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SELECT ORATIONS

ILLUSTRATING AMERICAN POLITICAL HISTORY

SELECTED AND EDITED BY

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WITH AN INTRODUCTION ON ORATORICAL STYLE AND STRUCTURE, AND NOTES, BY

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PREFACE

A GREAT part of a people's history, where self-government prevails, may be found in the speeches of its public men. Such utterances are at once an index to the mental caliber of its electors and representatives, a measure of prevalent prejudices and predilections, and a synopsis of its political history. Pericles's oration over the first dead of the Peloponnesian war, and Demosthenes's orations against Philip of Macedon, have long been recognized as important documents in the study of Greek history. Cicero's orations against Verres and on the Catilinian conspiracy aid much to an understanding of the last period of the Roman republic. And it is a commonplace to say that the framework at least of a knowledge of modern English history must be sought in the speeches delivered in Parliament and in public meetings. In our own country, where government proceeds so largely in the open, this is especially true. Government here is the concern of the people themselves, and on all questions of public policy they must be consulted and informed. Public speeches with us, while not the sole means, are an important means to the formation and expression of what Sir Robert Peel once somewhat cynically called "that great compound of folly, weakness, prejudice, wrong feeling, right feeling, obstinacy, and newspaper paragraphs, which is called public opinion." And the record of a people's varying public opinion in political matters, it may be asserted, gives the essence of its political history. "He who moulds public sentiment," said Lincoln in his first debate

with Douglas, "goes deeper than he who enacts statutes or pronounces decisions. He makes statutes and decisions possible or impossible to be executed."

The chief justification for the present volume of selections is the lack hitherto of any adequate collection of American political orations which comes within the compass of a single volume, and hence is usable for schools, clubs, and teachers' institutes. The preparation of the book was first proposed to the author by Mr. David W. Sanders, of Covington, Ind., whose acquaintance among teachers showed him the opening for it; and the assistance which the author has received from Mr. Sanders as the work has progressed, in determining the general plan and scope of the book, he wishes to acknowledge in the fullest manner.

The purpose of the selections, it must be understood, is primarily historical: they are designed to illustrate the political history and development of the United States. In every instance the tests applied in determining the inclusion or exclusion of a speech were these: Did it exert important influence on political action or political opinion at the time it was delivered? And will it, better than other speeches of the period, enable us to penetrate back into the spirit of the time?

Nevertheless, considerations of oratorical excellence were by no means disregarded, and it is believed that examples of the best public speaking of every epoch of our history will here be found, and in sufficient variety. With the aid of the Introduction, and the notes on the oratory of the several selections which are given at the back of the book, it is hoped that some place may also be found for the volume in classes in public speaking and the literary study of the oration.

It is perhaps needless to say that the choice of the orations has been made without regard to the editor's personal opinion as to which party or which position on any given question

was right. One of the benefits which it is hoped may come from the reading of the selections is a growth in that wide tolerance of mind which sees that at no time does any one party have a monopoly of political truth, and that wise political action can come only from weighing all the arguments in view of all the circumstances of a given case.

The wealth of material from which to select, and the reduction to the compass of a half-hour's reading of speeches which in some cases took several days to deliver, have been the chief difficulties of the task. It is hoped that a sufficiently large and representative list of names is presented, though it is inevitable that the omission of some notable orators and orations will be lamented.

The attempt has been made to confine the annotations to the narrowest limits possible, consistent with the aim of intelligibility. Where practicable, the information needed has been given in the historical introductions prefixed to the different sections and to the separate orations.

In conclusion the editor wishes publicly to express his appreciation of the kindness shown by his friend, Professor Clapp, in drawing upon his long experience in the teaching of English and public speaking to produce the introduction on "Oratorical Style and Structure," and the notes on the several orations, which form parts of this volume.

S. B. H.

Bloomington, Ind., July 28, 1909.

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Oratorical Style and Structure

As Professor Harding has said in his Preface, the purpose of this book is to furnish the student of American history a series of contemporary discussions of what time has proved to be the principal questions of the day in our national life. The interest of the collection lies in the fact that these are not mere records of contemporary opinion, such as one might find in old diaries or private letters, or in the news columns of periodicals. These publicly uttered opinions of the most influential men of the time were themselves most important forces in making history. If we read them appreciatively we may not only know what our ancestors thought, but we may feel the influences which led them to act as they did.

To understand these speeches, of course, we must first of all understand the circumstances of their delivery. We must try to realize the attitude of contemporary listeners, to whom the future—what to us is now the past—was dark and uncertain, and who were swayed by impulses and traditions, prejudices and enthusiasms, which for us of to-day no longer exist. Professor Harding's introductory sketches, sympathetic and admirably compact, should be studied carefully in connection with every speech. Since, moreover, these compositions are speeches, not essays—shaped primarily for the ear, not for the eye—they have characteristics of form, matters of style and of structure, which we can recognize, and which will affect us, if we will allow for them, somewhat at least as they affected contemporaries.

We may notice first the minuter points, the style. Discourse addressed to the ear must make an immediate impression. It must be, therefore, easily intelligible, vigorous, and smooth and easy in connection of ideas. These requirements give to spoken language certain peculiarities which may be called essential, which appear in all sorts of talk, whatever the worth of the ideas expressed. They are found in the harangues of the street fakir, in the rant of the "spellbinder," and no less in lectures, sermons, in such orations as those in this book, and, with some differences, in the language of the stage.

The effort for clearness in spoken language produces usually plainness and simplicity in the choice of words, and directness in their arrangement. The words need not be short—the words of conversation are not always short—but they must not sound unusual or learned. Unusual, learned, technical words may occur here and there, but they can not be frequent. The phrases, particularly, the groups of words which strike the ear as units, must be simple. Consider the following examples, from the speeches in this book:

"Will any man who entertains a wish for the safety of his country, trust the sword and the purse with a single assembly organized on principles so defective—so rotten? Though we might give to such a government certain powers with safety, yet to give them the full and unlimited powers of taxation and the national forces would be to establish a despotism; the definition of which is, a government in which all power is concentrated in a single body." (Alexander Hamilton; p. 107.)

"Of all men upon earth I am the least attached to any productions of my own mind. No man upon earth is more ready to surrender anything which I have proposed, and to accept in lieu of it anything that is better; but I put it to the candor of honorable Senators on the other side and upon

all sides of the House, whether their duty will be performed by simply limiting themselves to objections to any or to all of the series of resolutions that I have offered. If my plan of peace, and accommodation, and harmony, is not right, present us your plan." (Henry Clay; p. 287.)

"To my mind it is either the most ignorant and shallow mistake of his duties, or the most brazen and impudent usurpation of power. It is claimed for him by some as the commander-in-chief of the army and navy. How absurd that a mere executive officer should claim creative powers! Though commander-in-chief by the Constitution, he would have nothing to command, either by land or water, until Congress raised both army and navy." (Thaddeus Stevens; p. 438.)

Widely as these extracts differ in idea, in spirit, and in the date of their utterance, in all of them the words are familiar, and are combined into easily grasped units of phrase, which have the directness, the idiomatic quality, of common conversation. This directness, which is perhaps the most characteristic feature of spoken language, differentiating it most surely from the language of writing, shows also in the sentence structure. The words follow, more closely than in writing, the normal order—subject, verb, object. The sentence as a whole may show inversion, may have what is called the periodic structure, but the clauses, one by one, are simple and light. Most of the sentences, it may be added, in most speeches, are short. This structure of phrase and sentence gives the style a quality which may be described as progressive completeness. The thought is built up in the listener's mind bit by bit, each item being clear and clearly connected with what precedes.

This quality involves, of course, the corresponding defect of diffuseness. Talk has rarely the terseness of writing. Exactness, precision of phrase, which good talk must have as well as good writing, cannot in talk be gained briefly; the phrase of precise definition must be set in a background

of repetition and illustration. The speaker must pass smoothly from one idea to another. The writer may really go further in a few bold leaps, by omitting transitions, and trusting to the reader's reflection to see the relations of the thought; the speaker must travel all the road.

But he travels it, generally, on the run. The plainness, the directness, the diffuseness of speech are not more characteristic than its eagerness, its swift, vigorous movement of thought. This comes from the excitement which the speaker always feels, which impels him to speak—an excitement, of course, which may or may not be worthy. As compared with writing, most talk—connected talk—has more *will* in it. The speaker is not content with telling you what his ideas are; he is bent on driving them in, making you agree with him and do as he wishes. And this eagerness gives not only energy, but a charm which is quite different from the more subtle charm of the quieter written language.

Besides these essential qualities of spoken language, which are present in all talk, whether otherwise good or bad, there are two others which are almost always present, and which aid alike its intelligibility, its strength, and its attractiveness. One of these is vividness, picturesqueness. The eagerness of speech leads generally to a vivid concreteness; the words are full of pictures. The use of the concrete term, where writing might prefer the more general or the more abstract, may be seen in any of the orations in this book. The effort for picturesqueness leads also to a large use of figurative language, particularly of metaphor and personification; sometimes, though less often, of extended similes and apostrophes. It should be noted, however, that picturesqueness is not essential in spoken language. It may easily be overdone. It is most used in ornamental or vehement passages, where the speaker gives the rein to his fancy or to his emotions; and such passages, of course, are in most talk not

the substance, but the exception. On serious occasions, undue vividness of language may hinder real impressiveness. The speeches of Henry, Randolph, Phillips, Sumner, and Stevens, in this book, are undoubtedly weakened in this way.

Finally, spoken language has usually a decided musical quality, a smooth, flowing sound. We find this, in some sense, in nearly all speeches, whether good or bad, affected or earnest, shallow or profound. It appears in the declamations of dramatic poetry, in the wonderful sermons of Jeremy Taylor and Cardinal Newman, in the stately periods of Cicero and Burke, in the crisp rattle of Wendell Phillips or Macaulay, as well as in the glib flow of the street exhorter. In this book we find it in Lincoln, Calhoun, Jefferson Davis, no less truly than in Henry, Pinkney, Webster, and Grady. In our own day we find it alike in the utterances of President Eliot and of Mr. Bryan. The words seem to slide easily from the speaker's lips, and they fall agreeably upon the listener's ear; it is easy to listen to them, and easy also to read them. To read a printed oration, indeed, without allowing for this musical quality, is usually, though not always, to miss a large part of its power upon the listener's attention and upon his agreeable recollection. Fortunately, good speeches generally force some realization of this rhythmical quality upon the interested reader. The directness and eagerness of the style usually rouse in him sufficient excitement to catch the pulse of the rhythm; he may not utter the words aloud as his eyes follow the printed lines, but he half-hears them, nevertheless. The student, however, who is examining orations more coolly, who is on his guard, indeed, against the very excitement which is the legitimate result of the speech, is in danger of missing this quality of most spoken language, and thus of wrongly estimating, rating too low or too high, these works which were planned for the ear of the listener.

As to the style, then, we may say that all spoken language has these qualities of plainness, directness, diffuseness, and eagerness; usually it has also vividness and musical flow.

But there are many kinds of speeches, and each has peculiarities of its own. When we try to criticise the kinds represented in this book, we are at once involved in questions of structure. If we limit ourselves to connected formal discourse, and if we disregard also special forms, such as the technical lecture and the sermon, which are not here represented, we shall find useful the classification, still generally accepted, of Aristotle.

Aristotle recognized three distinct kinds of speeches, differing primarily according to the attitude of the listeners.

One variety—we may mention it here first, though Aristotle names it last—is what is now called the demonstrative or commemorative oration, the speech for a public occasion, such as an anniversary or a dinner, when there is no action contemplated, but when it seems proper for some one to "say something." In such speeches the listeners are not vitally concerned, but are merely more or less interested spectators. Two of the speeches in this collection are clearly demonstrative orations: Jefferson Davis's farewell to the United States Senate, and Wendell Phillips's address at the funeral of Garrison. Lincoln's address at Gettysburg and Grady's at New York are not, I think, on the whole to be classed as demonstrative orations.

Another kind of speech, of marked characteristics, is the judicial or forensic oration, the argument in a court of law as to a matter of fact, as to whether a certain action is in accordance with the provisions of the law. Here the listeners—the judge, that is, or the members of the jury—are concerned, but not personally. Their attitude is, or should be, cool and dispassionate. The speech consists of a chain of exactly detailed evidence, all bearing upon one proposi-

tion, namely, that the action in question does, or does not, correspond with the specific provisions of the law. In this collection there are three forensic orations: the arguments of Otis and Adams in colonial times, and the plea of Judge Curtis in defense of President Johnson. Portions, moreover, of the speeches of Pinkney and Webster show markedly the forensic manner.

The other speeches of this book, twenty-seven in all (if we omit Washington's farewell address and Johnson's message, which are rather essays, open letters, than speeches), are what Aristotle calls deliberative orations—of the class which he places first, and considers most important of the three kinds of speeches. Deliberative orations are addresses before popular audiences upon matters of public policy—discussions as to which course of action, among a number of possible courses, is best for the community—whether a nation, a city, or (for that matter) a club or society—to take. Here the listeners are very closely concerned. Whether as citizens in a political meeting, or as representatives in a legislative body, their own interests will be affected more or less deeply by every act of proposed legislation. They will wish the speeches discussing such action to be definite and comprehensive, sensible and fair. They will wish them to be simple, also, and easy to follow. They do not want mere logic. Not only are they unable to be cool and dispassionate, as is the judge in a court of law, but they are aware of the inadequacy of logic in matters of conduct, and they distrust elaborately involved reasoning. Now, the twenty-seven speeches in this book which I have called deliberative orations are very similar in their nature and form. In the fifteen delivered in legislative assemblies; in the five addresses at political meetings (by Douglas, Lincoln, Seward, Stephens and Beecher); in the five official enunciations of governmental policy (the declaration of the colonies in 1775,

Jefferson's inaugural in 1801, Lincoln's two inaugurals and Gettysburg address); and no less in Grady's speech at the New England dinner and Booker Washington's at the Atlanta Exposition—always we find that the speaker is trying to shape public policy upon a matter of great practical importance. Some of these speeches partake also of the nature of demonstrative orations, or of forensic orations, but, whatever their individual peculiarities, they all belong to what Trollope has characterized as "that continuous process of lucid explanation which we now call debate." They have on the whole the qualities of debate—directness and simplicity of presentation, avoidance not only of rant, but of ornament of all kinds, and (in most of them) a remarkable moderation of statement. That is the note of the debate, as opposed to the harangue; the speaker recognizes that among the hearers, or possible hearers, may be antagonists, who may challenge incorrectness, and he warily avoids provocation.

The directness of presentation, both in details and in arrangement of matter, is very striking. In addition to the passages already quoted, consider the following:

"The people then, sir, erected this government. They gave it a Constitution; and in that Constitution they have enumerated the powers which they bestow upon it. They have made it a limited government. They have defined its authority. They have restrained it to the exercise of such powers as are granted; and all others, they declare, are reserved to the States, or the people. But, sir, they have not stopped here. If they had, they would have accomplished but half their work. No definition can be so clear as to avoid possibility of doubt; no limitation so precise as to exclude all uncertainty. Who, then, shall construe this grant of the people? Who shall interpret their will, where it may be supposed they have left it doubtful? With whom do they repose this ultimate right of deciding on the powers of the

government? Sir, they have settled all this in the fullest manner. They have left it with the government itself, in its appropriate branches." (P. 233.)

This sounds as direct as part of a discussion in a city council. It is more clear, more terse and vigorous in phrasing, perhaps, than most such talk, but it is not more showy, and it is just as business-like. Yet this is from what is universally regarded as the greatest of American orations, Webster's Reply to Hayne. And the greater part of that oration, which, if given in full, would fill some ninety pages of this book, is equally plain.

Most of these speeches, it may be remarked, were delivered extempore, though by no means impromptu. The general line of reasoning was pretty carefully planned in advance, but the language—of most of the speech, at least—and the detail treatment, were prompted by the occasion. In a few of them, of course—Sumner's, Seward's, the three inaugurals, and the Gettysburg speech—the language is evidently carefully prepared. In those of Pinkney, Schurz, Grady, the language may have been prepared in advance, but the fact does not show.

The argumentative structure, moreover, in nearly all these deliberative orations, whether short or long, is simple, though orderly and logical. There is very little intricate reasoning. Hamilton's address on the Federal Constitution falls easily into three steps: (1) Our troubles came from the defects of the confederation; (2) objections to the plan presented in the Constitution are not valid; (3) if we reject this plan we may never have so good a plan. Pinkney's, on the Missouri question, falls into two parts: (1) A brief repudiation of the notion that the Union is in danger; (2) an examination, one by one, of the clauses of the Constitution on which the opposition have based their case. The speeches of

Webster, Clay, and Curtis, long and detailed as they are, are far from intricate in their reasoning.

These American deliberative orations, in fact, seem even more simple, in both phrasing and arrangement, than the deliberative orations of most other times and countries, with the exception of the England of Brougham, Cobden, and Bright. The reason is, perhaps, that the English and the American public men were alike addressing a responsible audience; not a crowd, swayed by impulse, but a body of persons who had not only power, but the prudence and practical sense bred of experience in self-government. This audience, in both England and America, was no less than the entire body of citizens. That explains the similarity of style between the speeches of this collection delivered before legislatures, and those delivered elsewhere. The audience addressed was the same, ultimately, in all cases. Pinkney, Webster, and Schurz, just as truly as Lincoln, Stephens, and Beecher, were addressing not only the comparative few within sound of their voices, but the hundreds of thousands who would read their speeches in the newspapers. Regard for this larger audience led, no doubt, to an extra degree of simplicity, and of caution as well. The speaker, whether in Congress or on the public platform, must make himself understood, not only by his listeners, but by his readers. He must, moreover, not only avoid the criticism of those who could rise at once to challenge his statements, but he must satisfy the judgment of the multitude of readers, who could weigh his speech, compare it with those of his opponents, and discover incorrectness of fact and weakness or fallacy of argument.

The simplicity of these orations can hardly be too strongly emphasized. These were no declamations, designed to exhibit a sonorous voice, or graceful gestures, or a majestic "stage presence." The speakers were not trying to

astonish their audience or to be admired for their elocution. They were busy men, trying to get their hearers to think as they did about some matter of importance, and then to take a certain course of action. That they were men of exceptional personal dignity, that constant practice in public discussion had given them exceptional distinctness and grace of utterance, are incidental matters. Unfortunately, in too many so-called classes in oratory the attention of student and teacher has been directed mainly toward these incidentals. These serious discussions of important matters, the greater part of which is simple talk, uttered earnestly but quietly, have been made ridiculous by being regarded as vocal fireworks. To a large proportion of Americans of to-day, I fear, American political orations of the past are represented mainly by Patrick Henry's "liberty or death" and the peroration of Webster's reply to Hayne, which have been recited, with appropriate "gestures," by generations of schoolboys who have had but faint notion of their meaning—who regard them, indeed, much as they regard "Spartacus to the Gladiators." I once knew a college freshman, a prize-winner at declamation contests, who contrived for himself a contest oration by piecing together the peroration of the seventh of March speech and the peroration of the reply to Hayne. Neither passage, alone, was quite long enough, he said, but the two together made a pretty fine speech! It would be well if all schoolboys could know that Henry's speech was almost as exceptional then as it would be to-day, and that the version of it which we have was written by his biographers; that Webster had been worked up to that tremendous outburst of vehement fancy by several hours of intense and serious thinking aloud before an audience that was almost as interested and almost as capable of severe thought as himself.

The moderation of these speeches is almost as notable as

their simplicity. The great men, on the great occasions, talked on the whole moderately, in spite of their strong feeling. Perhaps the most striking example is Henry Clay's great speech of 1850,—in one of the omitted passages of which, by the way, he rebukes the large and fashionable audience of the second day, telling them sharply that the occasion is too momentous to be treated as a show. This long speech, which would fill, altogether, eighty pages of this book, dealt with a subject on which he felt passionately, and, like nearly all the longer speeches of this collection, it is manifestly extempore in form. Yet it is not more remarkable for the intense feeling with which he appeals to one side after another, to be considerate and fair, than for the tact and moderation with which he handles his vast and complicated subject. Lincoln's answer to Douglas, at Ottawa—indeed, all the speeches from Lincoln in this book—will show the same quality in high degree. Beecher at Liverpool, Schurz on the amnesty bill, Booker Washington at Atlanta, furnish other examples of the instinctive moderation of the good deliberative oration, in which the speaker wisely refrains from weakening his case by over-statement.

This quality of these deliberative orations may be realized better by comparing them with the productions of such a man as Wendell Phillips, whose work was that of an agitator, who could stir interest in public questions, but who could give little practical help toward their settlement. Even in his case, it may be remarked, the manner of utterance was quiet enough; George William Curtis says that his delivery was merely that of "a gentleman conversing." But the language, the arrangement, the ideas, showed neither simplicity nor moderation; it was a torrent of epigram, antithesis, metaphor, poured from an extraordinarily active mind, and as inaccurate as it was striking. Phillips did not make good deliberative orations; he stirred, but he did not

convince. It is significant to run over the list of speakers in this collection who show most of Phillips's vividness and vehemence—Henry, Randolph, Sumner, Douglas, Seward, Stevens—and consider how doubtful was their contribution to the real development of the country. The really good deliberative oration sought not to dazzle as a display, nor to excite the passions of its hearers, but to win the assent of plain-thinking, fair-minded people.

The importance of such deliberative orations, throughout American history, has been very great. For many years they furnished the chief instruction on political subjects of the great mass of men, who studied them privately, or heard them read aloud, in thousands of households and village stores. To a considerable degree they filled the place of the newspaper editorials of to-day, and of the magazine articles on political and economic topics as well. A large number of them, of course, were not good, were lacking in the qualities which gave those here printed their pre-eminence. But this book by no means contains all the good speeches of this sort. Others might be given, nearly if not quite as meritorious and as influential, from Ames, Webster, Calhoun, Clay, Sumner, Lincoln, Stephens, Schurz, as well as from several men not here represented. In estimating them the reader of to-day must remember that we cannot judge altogether by their immediate effect upon their hearers, as we can with forensic orations. In a court of law, a man convinces judge or jury that a certain thing is the fact, and the verdict is immediate. These deliberative orations of nineteenth century America, however, dealing with principles of public policy, rarely changed the votes of the hearers, nor did the speaker, probably, expect such immediate result. The speech was addressed to the mind of the public. The immediate vote of the Senate, as in the case of Schurz and the amnesty bill, or of the people of a State, as with

Lincoln in 1858, might go against the speaker, yet his views, when pondered and understood by the people, might ultimately win.

If, now, these speeches were mainly directed at readers, and their greatest influence was after all upon readers, it is pertinent to ask: Why need they have been spoken at all? What do they gain from the oral formulation?

The oral formulation at once helped the speaker to express himself fitly, and helped the reader to understand and grasp and be affected by the thought. It is manifest, in the first place, that it was easier for a public man to talk—it took less time for preparation than writing would have done. It is manifest, also, that usually the public had some notion of the speaker's personality—of his appearance and manner of delivery. Printed speeches, which they knew to have been delivered, in which they could imagine the speaker as talking to them directly, would be more impressive than the same matter in the form of book or essay.

But there are more important reasons. The qualities of the language of speech—plainness, directness, diffuseness, eagerness, and vividness and musical flow—are influential with inexpert readers; and these qualities, it is safe to say, would not have appeared, in nearly so great a degree, if these public men had expressed their views in written form —in books, pamphlets, magazine or newspaper articles.

The language of speeches, in English, has for ages kept closer to the language of daily life than has the language of written prose. The standard language of written prose has had great changes of fashion during the last three hundred years, from Hooker to Milton and Browne, to Dryden, Addison, Johnson, Coleridge, Macaulay, Pater. But the language of speeches has remained much the same. Goodrich's *Select British Eloquence* will show this continuity of the language of speeches in England, from the seventeenth

century down. In this book we may notice the similarity, in the details of language, between the law speeches of Otis and Adams, in 1760 and 1770, and that of Judge Curtis, in 1868; and even between Hamilton's speech, in 1788, and Booker Washington's, in 1895. The language of written prose, moreover, has been particularly lacking in plainness, directness, and eagerness; whatever its compensating merits, it has been apt to be either obscure and heavy, or affected. To make our comparison a little more definite: We may be inclined to think that old orations are difficult reading, but I question whether the difficulty is not owing mainly to our lack of interest in the subject-matter; whether, so far as the style goes, old orations are not more interesting, more easily understood, at least, than old written prose dealing with similarly forgotten matter. Examination of a volume of the *North American Review* for 1830, or thereabouts, will show how heavy was the style of professional men of letters, of even second-rate literary gifts; only a few articles are at all easy reading to-day. The men who have mastered the style of English written prose, so as habitually to write with plainness, directness, liveliness, have been few, in either America or England, and they have been men of high culture or of striking literary gifts, usually professional writers. Now, these American public men were not persons of exceptional culture or of remarkable literary talent, aside from their gift of talk; they were mostly practical men, engrossed in affairs. Their views of public questions, if given in writing instead of talk, would probably, in most cases, have taken a form much less intelligible and impressive to the vast body of readers.

But the ultimate justification for the oral form lies in the stimulus to the speakers from the living presence of some part, at least, of the public they wished to convince. Public speaking, when, as with most of the speeches here recorded,

it is largely extempore, is much like conversation. The speaker feels the response of the listeners. What he has to say comes more freely, more pointedly, than when he has not this response. And the stimulus affects not the style only, but the structure. The response of the audience, favorable or hostile, puzzled or satisfied, tells the speaker what points to stress, what is obscure, what needs additional illustration, and when he has said enough. It has been said that these orations on public questions filled in part the place of books and magazine articles for the great body of citizens. One may wonder whether they are not on the whole much more adequate and more correct, in both style and arrangement, than magazine articles or pamphlets would have been. It is unlikely that such elaborate discussions of complicated matters as the speeches of Ames, Pinkney, Webster, Clay, or Schurz, in this book, could have been made at once so comprehensive, and so spirited and easy in movement, without the support and stimulus of a body of listeners.

After all, however, the merit of these speeches, long and short alike, comes mainly from the mood of both audience (or readers) and speakers. It was a practical, serious mood, of attention to business. The speakers were not talking because they wanted to, but because they had to—because there was something of importance to be done, or prevented, and they must make this plain to their fellow-citizens. The audience, the readers, were concerned in the settlement of the same questions, and were seriously attentive to the ideas presented to them. The speakers, I have said, were chiefly men of affairs, not of remarkable culture, not usually of remarkable intellectual force, aside from their influence upon public business. A few of the speeches here given seem untrustworthy—erratic, fanatical, or disingenuous; but not one is merely the speech of a demagogue, not even that of

Douglas in his debate with Lincoln, which perhaps comes nearest. Most of these men, in fact, were conspicuous chiefly for their good sense, their judgment. Nearly all of them were for many years in the public service, constantly directing legislative or administrative action, and talking repeatedly in explanation and defense of their conduct. The speeches given here are mostly those which they uttered on what chanced to be the most important matter with which they had to deal. It is pleasant to reflect that the great political speeches of American history have been made by such men.

But it is wholesome for our American pride to remember that not all American speeches, which have been widely popular as speeches, are good. American demonstrative orations, for example, are generally inferior in artistic quality to those here printed. If we pass over the multitude of after-dinner speeches, Fourth of July and Decoration Day speeches, commencement addresses by educators and others, memorial speeches in Congress, lecture bureau orations; if we compare the demonstrative orations by the speakers most widely renowned, some of them by men worthily represented in this book—the speeches of Robert G. Ingersoll, George William Curtis, Wendell Phillips, Edward Everett, Henry Clay, even Webster's Bunker Hill addresses—one must feel, I think, how much tawdry ornament there is in them, how inferior they are, in thought and manner, to our best deliberative orations. American audiences and speakers alike seem to have had little purely esthetic appreciation of oratory. Whatever may have been the case in other countries and times, it seems hardly too much to say that in America good speeches have been produced only under the pressure of necessity, when the speaker has been aiming at a definite result in action.

It is to be regretted that the limits of space do not permit

of giving all these orations entire. In studying the strategy of a speech, the orator's use of the possibilities of the occasion, one finds that even the little things, the transitions from one sub-point to another, are interesting. In most cases, however, the omissions here are brief and really unimportant, consisting usually of repetition and amplification of ideas fully indicated here. The cases where serious cuts have had to be made are in the speeches of Adams and Pinkney, which would fill, each, nearly forty pages of this book, and in those of Webster, Clay, Sumner, and Curtis, the shortest of which would fill seventy-five pages of this book, and occupied several hours in delivery. Most of the speeches, it will be noticed, range between ten and thirty pages of this size, and occupied from one to two hours in the delivery. It may be worth noting, moreover, that while those of the Revolutionary period were chiefly delivered in the legislatures and conventions of the various Colonies and States, and those of the first period of national life in Congress, most of the specimens here given of the important public utterances of the last fifty years or so were spoken on the public platform.

John M. Clapp.

Lake Forest, Ill., July 20, 1909.

SELECT ORATIONS

I

The Revolution

That there were two sides to the controversy between the colonies and the mother country is now generally recognized, although we as Americans still have difficulty in doing full justice to the arguments in behalf of Great Britain. Mr. Lecky, in his able and dispassionate review of these differences, says: "England was originally quite right in her contention that it was the duty of the colonists to contribute something to the support of the army which defended the unity of the Empire. She was quite right in her belief that in some of the colonial constitutions the executive was far too feeble, that the line which divided liberty from anarchy was often passed, and that the result was profoundly and permanently injurious to the American character. She was also, I think, quite right in ascribing a great part of the resistance of America to the disposition, so common and so natural in dependencies, to shrink as much as possible from any expense that could possibly be thrown on the mother country, and in forming a very low estimate of those ambitious lawyers, newspaper writers, preachers, and pamphleteers who, in New England at least, were laboring with untiring assiduity to win popular applause by sowing dissension between England and her colonies. But the Americans were only too well justified in asserting that the suppression of several of their industries and the monopoly by England of some of the chief branches of

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their trade, if they did not benefit the mother country, at least imposed sacrifices on her colonies fully equivalent to a considerable tax. They were also quite justified in contending that the power of taxation was essential to the importance of their Assemblies, and that an extreme jealousy of any encroachment on this prerogative was in perfect accordance with the traditions of English liberty. They had before their eyes the hereditary revenue, the scandalous pension list, the monstrous abuses of patronage, in Ireland, and they were quite resolved not to suffer similar abuses in America. The judges only held their seats during the royal pleasure. Ministerial patronage in the colonies, as elsewhere, was often grossly corrupt, and in the eyes of the colonists the annual grant was the one efficient control upon maladministration." (*History of England in the Eighteenth Century,* IV, p. 111.)

Moreover, important differences existed between the views of the English constitution which prevailed at home and in the colonies.

The English government held the present-day view, that Parliament possesses an absolute legal supremacy over all British subjects; that throughout the whole of the Empire its statutes are law; and that no person or court anywhere has power to nullify those statutes on the ground of unconstitutionality or otherwise. (Dicey, *Law of the Constitution,* ch. i.) The members of the House of Commons were not regarded as *local* representatives, but as individually and collectively representing every person owing allegiance to the king—every blade of grass, every clod of earth. Consequently, the colonies were thought to be represented quite as much as the great manufacturing towns of Leeds, Birmingham, and the like, which until 1832 elected no separate representatives to Parliament.

The American colonists, on the other hand, held to an

older idea, which had been advanced in the controversy between Crown and Parliament in the seventeenth century and then laid aside, namely, that there were certain *fundamental* laws which even Parliament could not alter; and this idea was strengthened by the new democratic doctrines embodied in the writings of Locke, Rousseau, and others, with their emphasis on a "social compact" as the basis of all government. The colonists also regarded representation as necessarily local, not general; and they could not see how they were represented by persons in whose election they had no right of participation.

It may freely be conceded that legally the British ministers were right in their interpretation of the constitution, and the colonists wrong; but this by no means invalidates the justice of the American claims from a political and economic standpoint. It is noteworthy that although the supremacy of Parliament throughout the British Empire is now universally admitted, no attempt is made to assert that supremacy in the taxing of any of the self-governing colonies.

The oratorical material from which to choose in illustrating the Revolution is limited. Many important speeches were unreported, and of others we have only fragmentary accounts, preserved by tradition. Washington was a man of action, not a speaker. Jefferson was an indifferent orator, and preferred to express himself with the pen. And Samuel Adams, in spite of the flood of newspaper articles which he wrote, and resolutions and other state papers which he inspired, seems seldom to have attempted a speech of any length: the oration on American independence, published in his name in London, in 1776, and now often met with in oratorical reprints, has been shown by his biographer to be a forgery. (Wells, *Life of Samuel Adams,* II, pp. 439-40.) Nevertheless, there exists a sup-

ply of valuable and interesting material sufficient for our purpose.

James Otis's speech on the Writs of Assistance (1761) is here presented partly because of the great influence which it exerted at the time, and partly to show something of the legal views which underlay the American resistance. John Adams's defense of the soldiers concerned in the Boston Massacre (1770) is valuable for its recital of the facts of that much misrepresented affair; and also for its evidence of the existence on the American side both of a mob spirit which might disgrace their cause by its excesses, and of a sober, sane, conservative leadership which dared risk unpopularity by opposing popular injustice. Patrick Henry's address on the necessity of arming the colony of Virginia (1775) is essential to any collection such as this, both because of the fiery patriotism which it reveals, and the flaming eloquence of its language. Following this comes the address, composed by John Dickinson and issued by Congress (1775), to show the reasons for the American taking up of arms. Finally, the section closes with the brief speech of Dr. Witherspoon (1776) on the necessity of confederation among the colonies—an address which brings us to the greatest achievement of the Revolutionary period next to independence itself, namely the formation of the Articles of Confederation, and which forms a good point of departure for the study of the next section, on the formation of the Federal Constitution.

The following are among the most valuable books for this period: Trevelyan's *American Revolution* (3 vols.); Fiske's *American Revolution* (2 vols.); Hildreth's *History of the United States,* vol. II-III; Bancroft's *History of the United States,* vol. VI. Woodburn's *Lecky's American Revolution,* and Van Tyne's *American Revolution,* are the best short histories of the period.

1. JAMES OTIS, of Massachusetts.—ON WRITS OF ASSISTANCE

(Delivered in Boston, February, 1761.)

The "navigation laws" of England, though by no means so unfavorable to the colonies as is often supposed, were nevertheless a prolific source of quarrel between the mother country and her dependencies, and for long periods were systematically evaded by smuggling. During the French and Indian War, New England merchants supplied French fleets, French garrisons, and French colonies with provisions; and it was this disloyal traffic which determined the British government to attempt a more rigorous enforcement of the laws. Accordingly writs of assistance were issued in Massachusetts, following the practice of the English exchequer, which authorized search for smuggled goods wherever and whenever the officers pleased.

The question of the legality of these writs was argued in the negative before the Superior Court of Massachusetts by James Otis, Jr., "the most able, manly, and commanding character of his age at the [Boston] bar," in a notable speech of five hours' length. John Adams in later years said: "Otis was a flame of fire; with a promptitude of classical allusions, a depth of research, a rapid summary of historical events and dates, a profusion of legal authorities, a prophetic glance of his eyes into futurity, and a rapid torrent of impetuous eloquence, he hurried away all

James Otis, Jr. Born in Massachusetts, 1725; graduated from Harvard College, 1743; began the practice of law, 1748; first elected to the Massachusetts legislature, 1761; delegate to the "Stamp Act Congress," 1765; wounded in private quarrel and his reason shattered, 1769; died 1783.

before him. American independence was then and there born. . . . Every man of an immense crowded audience appeared to me to go away as I did, ready to take arms against Writs of Assistance."

On the question of the legality of these writs, Otis seems to have been in the wrong. The view which he advanced that "an Act [of Parliament] against the constitution is void," was one that had been held in England by the opponents of Charles I. in the seventeenth century; but by 1761 this position was generally abandoned. To-day Parliament is recognized as legally supreme throughout the British Empire, and its statutes (unlike those of the American Congress and Legislatures) cannot be set aside as invalid on the ground of any alleged "unconstitutionality."

The report of Otis's speech which has come down to us is but a bare summary, and contains little of the glowing eloquence which all accounts attribute to the speech itself. This report was written out some time later by John Adams, then a young lawyer, from the fragmentary notes which he took at the time. (John Adams, *Works*, II, pp. 124, 521-525.) The version of the speech here given differs in some essential particulars from the version usually printed.

[James Otis, before the Massachusetts Superior Court, at Boston, in February, 1761.]

May it please your Honors: I was desired by one of the Court to look into the books, and consider the question now before them concerning Writs of Assistance. I have accordingly considered it, and now appear not only in obedience to your order but likewise in behalf of the inhabitants of this town, who have presented another petition, and out of regard to the liberties of the subject. And I take this opportunity to declare, that whether under a fee or not, (for in such a cause as this I

despise a fee,) I will to my dying day oppose, with all the powers and faculties God has given me, all such instruments of slavery on the one hand, and villainy on the other, as this writ of assistance is.

It appears to me the worst instrument of arbitrary power, the most destructive of English liberty and the fundamental principles of law, that ever was found in an English law book. I must therefore beg your honors' patience and attention to the whole range of an argument that may perhaps appear uncommon in many things, as well as to points of learning that are more remote and unusual; that the whole tendency of my design may the more easily be perceived, the conclusions better descend, and the force of them be better felt. I shall not think much of my pains in this cause, as I engaged in it from principle. I was solicited to argue this cause as Advocate General; and because I would not, I have been charged with desertion from my office. To this charge I can give a very sufficient answer. I renounced that office, and I argue this cause from the same principle; and I argue it with the greater pleasure, as it is in favor of British liberty, at a time when we hear the greatest monarch upon earth declaring from his throne that he "glories in the name of Briton", and that the privileges of his people are dearer to him than the most valuable prerogatives of his crown; and as it is in opposition to a kind of power, the exercise of which in former periods of history cost one King of England [Charles I.] his head, and another [James II.] his throne. I have taken more pains in this cause than I ever will take again, although my engaging in this and another popular cause has raised much resentment. But I think I can sincerely declare that I cheerfully submit myself to every odious name for conscience's sake; and from my soul I despise all those whose guilt, malice, or folly has made them my foes. Let the consequences be what they will, I am determined to proceed. The only principles of public conduct, that are worthy of a gentleman or a man, are to

sacrifice estate, ease, health, and applause, and even life, to the sacred calls of his country. These manly sentiments, in private life, make the good citizen; in public life, the patriot and the hero. I do not say, that when brought to the test, I shall be invincible. I pray God I may never be brought to the melancholy trial, but if ever I should, it will be then known how far I can reduce to practice principles which I know to be founded in truth. In the meantime I will proceed to the subject of this writ.

In the first place, may it please your honors, I will admit that writs of one kind may be legal,—that is, special writs directed to special officers and to search certain houses, etc., specially set forth in the writ, may be granted by the Court of Exchequer at home upon oath, made before the Lord Treasurer by the person who asks it, that he suspects such goods to be concealed in those very places he desires to search. The act of 14[th year of] Charles II., which Mr. Gridley [counsel for the petitioner] mentions, proves this. And in this light the writ appears like a warrant from a Justice of the Peace to search for stolen goods. Your honors will find in the old books concerning the office of a Justice of the Peace precedents of general warrants to search suspected houses. But in more modern books you will find only special warrants to search such and such houses, specially named, in which the complainant has before sworn that he suspects his goods are concealed; and will find it adjudged, that special warrants only are legal. In the same manner I rely on it, that the writ prayed for in this petition, being general, is illegal. It is a power that places the liberty of every man in the hands of every petty officer. I say I admit that special writs of assistance, to search special places, may be granted to certain persons on oath; but I deny that the writ now prayed for can be granted—for I beg leave to make some observations on the writ itself, before I proceed to other acts of Parliament. In the first place, the writ is *universal,* being directed "to all and singular justices,

sheriffs, constables, and all other officers and subjects;" so that, in short, it is directed to every subject in the king's dominions. Every one with this writ may be a tyrant; if this commission be legal, a tyrant in a legal manner, also, may control, imprison, or murder any one within the realm. In the next place, it is *perpetual;* there is no return. A man is accountable to no person for his doings. Every man may reign secure in his petty tyranny, and spread terror and desolation around him, until the trump of the archangel shall excite different emotions in his soul. In the third place, a person with this writ, in the daytime, may enter all houses, shops, etc., at will, and command all to assist him. Fourthly, by this writ, not only deputies, etc., but even their menial servants, are allowed to lord it over us. What is this but to have the curse of Canaan with a witness on us; to be the servant of servants, the most despicable of God's creation? Now, one of the most essential branches of English liberty is the freedom of one's house. A man's house is his castle; and whilst he is quiet, he is as well guarded as a prince in his castle. This writ, if it should be declared legal, would totally annihilate this privilege. Custom-house officers may enter our houses when they please; we are commanded to permit their entry. Their menial servants may enter, may break locks, bars, and everything in their way: and whether they break through malice or revenge, no man, no court can inquire. Bare suspicion without oath is sufficient. . . .

To show another absurdity in this writ, if it should be established, I insist upon it every person, by the 14th Charles II., has this power as well as the custom-house officers. The words are, "it shall be lawful for *any* person or persons authorized," etc. What a scene does this open! Every man prompted by revenge, ill-humor, or wantonness to inspect the inside of his neighbor's house, may get a writ of assistance. Others will ask it from self-defense; one arbitrary exertion will provoke another, until society be involved in tumult and in blood.

Again, these writs are not returned. Writs in their nature are temporary things; but these live forever; no one can be called to account. Thus reason and the constitution are both against this writ.

Let us see what authority there is for it. Not more than one instance can be found of it in all our law books; and that was in the zenith of arbitrary power, namely, in the reign of Charles II., when Star-Chamber powers were pushed to extremity by some ignorant clerk of the Exchequer. But had this writ been in any book whatever, it would have been illegal. All precedents are under the control of the principles of law. Lord Talbot says it is better to observe these than any precedents, though in the House of Lords, the last resort of the subject. No acts of Parliament can establish such a writ; though it should be made in the very words of the petition, it would be void. *An act against the constitution is void.* (See Viner.) [Charles Viner was the author of *A General Abridgement of Law and Equity,* in 23 vols., published in England, 1742-53.] But these prove no more than what I before observed, that special writs may be granted on oath and probable suspicion. The Act of 7 and 8 William III., that the officers of the Plantations shall have the same powers, etc., is confined to this sense, that an officer should show probable ground, should take his oath to it, should do this before a magistrate, and that such a magistrate, if he thinks proper, should issue a special warrant to a constable to search the places. That of 6 Anne can prove no more.

2. JOHN ADAMS, of Massachusetts.—ON THE BOSTON MASSACRE

(Delivered at Boston, November, 1770.)

The "Boston Massacre" is a good illustration of the increased tension of feeling between the colonists and the representatives of the English government which was produced by ten years of friction and agitation. After many minor affrays, a picket guard from the two regiments which had been stationed at Boston since 1768, were provoked (on March 5, 1770) into firing upon a crowd, killing several persons and wounding others. The officer and soldiers concerned were indicted and tried for murder. John Adams and Josiah Quincy, braving public opinion, undertook the defense of the accused. Quincy opened for the defense in a speech of much power and eloquence; Adams, in closing, confined himself to "a clear recapitulation of the common law in cases of homicide." The accused were all acquitted except two, who were convicted of manslaughter and lightly punished.

The interest felt in the trial was so great that the then difficult task of a stenographic report of it was attempted. The notes, however, proved so imperfect that Adams struck out the greater part of the report of his speech, and the

John Adams. Born in Massachusetts, 1735; graduated from Harvard College, 1755; began to practice law, 1758; argued against the Stamp Act before the Massachusetts Supreme Court, 1765; elected to the legislature, 1770; in Continental Congress, 1774, 1775, 1776; in American diplomatic service abroad, 1778-79, 1779-88; Vice President, 1789-97; President, 1797-1801; died, 1826.

published volume thus contains only the outline of what he said. The Marquis di Beccaria, mentioned in the beginning of the oration, was an Italian writer who published a celebrated treatise *On Crimes and Punishments,* of which an English translation appeared two years before this trial. Adams's telling use of the passage quoted in his simple exordium produced, we are told, "an electrical effect upon the immense and excited auditory." (Adams, *Works,* II, p. 238.) Wemms, Killroy, and Montgomery, mentioned in the extracts below, were among the soldiers indicted; Gray, Attucks, and Carr were numbered among their victims. The documents and speeches may be most conveniently found in Kidder's *History of the Boston Massacre* (Albany, 1870).

[John Adams, in the old State House, at Boston, in November, 1770.]

MAY IT PLEASE YOUR HONORS, AND YOU, GENTLEMEN OF THE JURY: I am for the prisoners at the bar, and shall apologize for it only in the words of the Marquis Beccaria: "If I can but be the instrument of preserving one life, his blessings and tears of transport shall be a sufficient consolation to me for the contempt of all mankind." As the prisoners stand before you for their lives, it may be proper to recollect with what temper the law requires we should proceed to this trial. The form of proceeding at their arraignment has discovered that the spirit of the law upon such occasions is conformable to humanity, to common sense and feeling; that it is all benignity and candor. And the trial commences with the prayer of the court, expressed by the clerk, to the Supreme Judge of judges, empires, and worlds, "God send you a good deliverance."

We find, in the rules laid down by the greatest English judges, who have been the brightest of mankind, [that] we are to look upon it as more beneficial that many guilty per-

sons should escape unpunished than one innocent person should suffer. The reason is, because it is of more importance to the community that innocence should be protected than it is that guilt should be punished; for guilt and crimes are so frequent in the world that all of them cannot be punished; and many times they happen in such a manner that it is not of much consequence to the public whether they are punished or not. But when innocence itself is brought to the bar and condemned, especially to die, the subject will exclaim, It is immaterial to me whether I behave well or ill, for virtue itself is no security. And if such a sentiment as this should take place in the mind of the subject, there would be an end to all security whatsoever. . . . I shall take it for granted, as a first principle, that the eight prisoners at the bar had better be all acquitted, though we should admit them all to be guilty, than that any one of them should, by your verdict, be found guilty, being innocent.

I shall now consider the several divisions of law, under which the evidence will arrange itself.

The action now before you is homicide; that is, the killing of one man by another. The law calls it homicide; but it is not criminal in all cases for one man to slay another. Had the prisoners been on the *Plains of Abraham* [at Quebec] and slain an hundred *Frenchmen* apiece, the English law would have considered it as a commendable action, virtuous and praiseworthy; so that every instance of killing a man is not a crime in the eye of the law. There are many other instances which I cannot enumerate—an officer that executes a person under sentence of death, etc. So that, gentlemen, every instance of one man's killing another is not a crime, much less a crime to be punished with death. But to descend to some more particulars.

The law divides homicide into three branches: the first is justifiable, the second excusable, and the third felonious. Felonious homicide is subdivided into two branches: the first is murder, which is killing with malice aforethought;

the second is manslaughter, which is killing a man on a sudden provocation. Here, gentlemen, are four sorts of homicide; and you are to consider whether all the evidence amounts to the first, second, third, or fourth of these heads. The fact was the slaying five unhappy persons that night. You are to consider whether it was justifiable, excusable, or felonious; and if felonious, whether it was murder or manslaughter. One of these four it must be. You need not divide your attention to any more particulars. . . .

The question is, are you satisfied the people made the attack in order to kill the soldiers? If you are satisfied that the people, whoever they were, made that assault with a design to kill or maim the soldiers, this was such an assault as will justify the soldiers killing in their own defense. Further, it seems to me, we may make another question, whether you are satisfied that their real intention was to kill or maim, or not? If any reasonable man, in the situation of one of these soldiers, would have had reason to believe, in the time of it, that the people came with an intention to kill him, whether you have this satisfaction now or not in your own minds, they were justifiable, at least excusable, in firing. You and I may be suspicious that the people who made this assault on the soldiers did it to put them to flight, on purpose that they might go exulting about the town afterwards in triumph; but this will not do. You must place yourselves in the situation of Wemms and Kilroy—consider yourselves as knowing that the prejudices of the world about you were against you—that the people about you thought you came to dragoon them into obedience to statutes, instructions, mandates, and edicts, which they thoroughly detested—that many of these people were thoughtless and inconsiderate, old and young, sailors and landsmen, negroes and mulattoes—that they, the soldiers, had no friends about them, the rest were in opposition to them; with all the bells ringing to call the town together to assist the people in King street, for they knew by that time that there was no fire; the people shout-

ing, huzzaing, and making the "mob-whistle," as they call it, which, when a boy makes it in the street, is no formidable thing, but when made by a multitude, is a most hideous shriek, almost as terrible as an Indian yell; the people crying, "Kill them! kill them! Knock them over!"—heaving snowballs, oyster-shells, clubs, white birch sticks three inches and a half diameter;—consider yourselves in this situation, and then judge whether a reasonable man in the soldiers' situation would not have concluded they were going to kill him. I believe, if I was to reverse the scene, I should bring it home to our own bosoms. Suppose Colonel Marshall, when he came out of his own door, and saw these grenadiers coming down, with swords, etc., had thought it proper to have appointed a military watch; suppose he had assembled Gray and Attucks that were killed, or any other person in town, and planted them in that station as a military watch, and there had come from Murray's barracks thirty or forty soldiers, with no other arms than snowballs, cakes of ice, oyster-shells, cinders, and clubs, and attacked this military watch in this manner, what do you suppose would have been the feelings and reasonings of any of our householders? I confess I believe they would not have borne one half of what the witnesses have sworn the soldiers bore, till they had shot down as many as were necessary to intimidate and disperse the rest. Because the law does not oblige us to bear insults to the danger of our lives, to stand still with such a number of people around us, throwing such things at us, and threatening our lives, until we are disabled to defend ourselves. . . .

. . . In the case before you, I suppose you will be satisfied when you come to examine the witnesses and compare it with the rules of the common law, abstracted from all mutiny acts and articles of war, that these soldiers were in such a situation that they could not help themselves. People were coming from Royal Exchange lane, and other parts of the town, with clubs and cord-wood sticks; the soldiers were planted by the wall of the Custom House;

they could not retreat; they were surrounded on all sides, for there were people behind them as well as before them; there were a number of people in Royal Exchange lane; the soldiers were so near to the Custom House that they could not retreat, unless they had gone into the brick wall of it. I shall show you presently that all the party concerned in this unlawful design were guilty of what any one of them did; if anybody threw a snowball, it was the act of the whole party; if any struck with a club or threw a club, and the club had killed anybody, the whole party would have been guilty of murder in law.

. . . I will not at present look for any more authorities in the point of self-defense; you will be able to judge from these how far the law goes in justifying or excusing any person in defense of himself, or taking away the life of another who threatens him in life or limb. The next point is this: that in case of an unlawful assembly, all and every one of the assembly is guilty of all and every unlawful act committed by any one of that assembly in prosecution of the unlawful design they set out upon.

Rules of law should be universally known, whatever effect they may have on politics; they are rules of common law, the law of the land; and it is certainly true, that wherever there is an unlawful assembly, let it consist of many persons or a few, every man in it is guilty of every unlawful act committed by any one of the whole party, be they more or be they less, in pursuance of their unlawful design. This is the policy of the law; to discourage and prevent riots, insurrections, turbulence, and tumults.

In the continual vicissitudes of human things, amidst the shocks of fortune and the whirls of passion that take place at certain critical seasons, even in the mildest government, the people are liable to run into riots and tumults. There are Church-quakes and State-quakes in the moral and political world, as well as earthquakes, storms, and tempests in the physical. Thus much, however, must be said in favor of the people and of human nature, that it is a gen-

eral, if not universal truth, that the aptitude of the people to mutinies, seditions, tumults, and insurrections is in direct proportion to the despotism of the government. In governments completely despotic, i.e. where the will of one man is the only law, this disposition is most prevalent. In aristocracies next; in mixed monarchies, less than either of the former; in complete republics the least of all. And under the same form of government, as in a limited monarchy for example, the virtue and wisdom of the administrations may generally be measured by the peace and order that are seen among the people. However this may be, such is the imperfection of all things in this world that no form of government, and perhaps no virtue or wisdom in the administration, can at all times avoid riots and disorders among the people.

Now, it is from this difficulty that the policy of the law has framed such strong discouragements to secure the people against tumults; because, when they once begin, there is danger of their running to such excesses as will overturn the whole system of government. . . .

Now if the party at Dock Square came with an intention only to beat the soldiers and began the affray with them, and any of them had been accidentally killed, it would have been murder, because it was an unlawful design they came upon. If but one does it, they are all considered in the eye of the law to be guilty; if any one gives the mortal stroke, they are all principal here, therefore there is a reversal of the scene. If you are satisfied that these soldiers were there on a lawful design, and it should be proved any of them shot without provocation, and killed anybody, he only is answerable for it. . . .

Thus far I have proceeded, and I believe it will not be hereafter disputed by anybody, that this law ought to be known to every one who has any disposition to be concerned in an unlawful assembly: whatever mischief happens in the prosecution of the design they set out upon, all are answerable for it. It is necessary we should consider the

definitions of some other crimes as well as murder; sometimes one crime gives occasion to another. An assault is sometimes the occasion of manslaughter, sometimes of excusable homicide. It is necessary to consider what is a riot. . . . I shall give you the definition of it. "Wheresoever more than three persons use force or violence, for the accomplishment of any design whatever, all concerned are rioters."

Were there not more than three persons in Dock Square? Did they not agree to go to King street, and attack the main guard? Where, then, is the reason for hesitation at calling it a riot? If we cannot speak the law as it is, where is our liberty? And this is law, that wherever more than three persons are gathered together to accomplish anything with force, it is a riot. . . .

If we strip ourselves free from all military laws, Mutiny Acts, Articles of War, and soldiers' oaths, and consider these prisoners as neighbors; if any of their neighbors were attacked in King street they had a right to collect together to suppress this riot and combination. . . .

Now, suppose you should have a jealousy in your minds that the people who made this attack upon the sentry had nothing in their intention more than to take him off his post, and that was threatened by some. Suppose they intended to go a little further, and tar and feather him, or to "ride" him (as the phrase is in *Hudibras**), he would have had a good right to have stood upon his defense—the defense of his liberty; and if he could not preserve that without the hazard to his own life, he would be warranted in depriving those of life who were endeavoring to deprive him of his. That is a point I would not give up for my right hand—nay, for my life.

Well, I say, if the people did this, or if this was only their intention, surely the officers and soldiers had a right to go to his relief; and therefore they set out upon a lawful

*The satirical poem "Hudibras," by Samuel Butler, was published 1662–74.

errand. They were, therefore, a lawful assembly, if we only consider them as private subjects and fellow-citizens, without regard to Mutiny Acts, Articles of War, or soldiers' oaths. A private person, or any number of private persons, have a right to go to the assistance of their fellow-subject in distress or danger of his life, when assaulted and in danger from a few or a multitude.

. . . . . .

[On the next day Mr. Adams continued.]

I yesterday afternoon produced from the best authorities those rules of law which must govern all cases of homicide, particularly that which is now before you. It now remains to consider the evidence, and see whether anything has occurred that may be compared to the rules read to you; and I will not trouble myself nor you with labored endeavors to be methodical. I shall endeavor to make some few observations on the testimonies of the witnesses, such as will place the facts in a true point of light, with as much brevity as possible; but I suppose it would take me four hours to read to you (if I did nothing else but read) the minutes of evidence that I have taken in this trial.

. . . . . .

We have been entertained with a great variety of phrases, to avoid calling this sort of people a mob. Some call them shavers, some call them geniuses. The plain English is, gentlemen, most probably, a motley rabble of saucy boys, negroes and mulattoes, Irish Teagues, and outlandish jacktars. And why we should scruple to call such a set of people a mob I cannot conceive, unless the name is too respectable for them. The sun is not about to stand still or go out, nor the rivers to dry up, because there was a mob in Boston, on the 5th of March, that attacked a party of soldiers. Such things are not new in the world, nor in the British dominions, though they are comparatively rarities and novelties in this town. Carr, a native of Ireland, had often been concerned in such attacks; and indeed, from the nature of things, soldiers quartered in a populous town

will always occasion two mobs, where they prevent one. They are wretched conservators of the peace. . . .

The next witness that knows anything was James Bailey. . . . He saw some around the sentry, heaving pieces of ice large and hard enough to hurt any man—as big as your fist. One question is, whether the sentinel was attacked or not. If you want evidence of an attack upon him there is enough of it. Here is a witness, an inhabitant of the town—surely no friend to the soldiers, for he was engaged against them at the rope-walk. He says he saw twenty or thirty around the sentry, pelting with cakes of ice as big as one's fist. Certainly, cakes of ice of this size may kill a man, if they happen to hit some part of the head. So that here was an attack upon the sentinel, the consequence of which he had reason to dread, and it was prudent in him to call for the main guard. He retreated as far as he could. He attempted to get into the Custom House, but could not. Then he called to the guard, and he had a good right to call for their assistance. "He did not know, he told the witness, what was the matter, but he was afraid there would be mischief by and by;" and well he might, with so many shavers and geniuses around him, capable of throwing such dangerous things. Bailey swears Montgomery fired the first gun, and that he stood at the right, "the next man to me; I stood behind him," etc. This witness certainly is not prejudiced in favor of the soldiers. He swears he saw a man come up to Montgomery with a club and knock him down before he fired, and that he not only fell himself but his gun flew out of his hand, and as soon as he rose he took it up and fired. If he was knocked down on his station, had he not reason to think his life in danger? Or did it not raise his passions and put him off his guard, so that it cannot be any more than manslaughter?

When the multitude was shouting and huzzaing and threatening life, the bells all ringing, the mob whistling, screaming, and rending like an Indian yell, the people from all quarters throwing every species of rubbish they

could pick up in the streets, and some who were quite on the other side of the street throwing clubs at the whole party, Montgomery in particular smote with a club and knocked down, and as soon as he could rise and take up his firelock another club from afar struck his breast or shoulder,—what could he do? Do you expect he should behave like a stoic philosopher, lost in apathy? Patient as Epictetus* while his master was breaking his legs with a cudgel? It is impossible you should find him guilty of murder. You must suppose him divested of all human passions, if you don't think him, at the least, provoked, thrown off his guard, and into the *furor brevis* by such treatment as this.

Bailey "saw the mulatto, seven or eight minutes before the firing, at the head of twenty or thirty sailors in Cornhill, and he had a large cord-wood stick." So that this Attucks, by this testimony of Bailey, compared with that of Andrew and some others, appears to have undertaken to be the hero of the night, and to lead this army with banners. To form them in the first place in Dock Square, and march them up to King street with their clubs. They passed through the main street up to the main guard in order to make the attack. If this was not an unlawful assembly, there never was one in the world. Attucks, with his myrmidons, comes around Jackson's corner and down to the party by the sentry-box. When the soldiers pushed the people off, this man, with his party, cried, "Do not be afraid of them; they dare not fire; kill them! kill them! knock them over!" And he tried to knock their brains out. It is plain the soldiers did not leave their station, but cried to the people, "Stand off!" Now, to have this reinforcement coming down, under the command of a stout mulatto fellow, whose very looks was enough to terrify any person, what had not the soldiers then to fear? He had hardiness enough to fall in upon them, and with one hand took hold

*A famous Greek philosopher, whose early life was spent in slavery.

of a bayonet, and with the other knocked the man down. This was the behavior of Attucks, to whose mad behavior, in all probability, the dreadful carnage of that night is chiefly to be ascribed. And it is in this manner this town has been often treated. A Carr from Ireland, and an Attucks from Framingham, happening to be here, shall sally out upon their thoughtless enterprises at the head of such a rabble of negroes, etc., as they can collect together, and then there are not wanting persons to ascribe all their doings to the good people of the town!

[Mr. Adams continued with a minute consideration of the evidence produced on the side of the crown and in behalf of the prisoners, and endeavored to show that the assault upon the soldiers was sufficiently provoking to justify the prisoners, or at least to reduce to manslaughter the crime even of the two who were proved to have killed members of the mob. He then concluded as follows:]

I will enlarge no more on the evidence, but submit it to you. Facts are stubborn things, and whatever may be our wishes, our inclinations, or the dictates of our passions, they cannot alter the state of facts and evidence; nor is the law less stable than the fact. If an assault was made to endanger their lives, the law is clear: they had a right to kill in their own defense. If it was not so severe as to endanger their lives, yet if they were assaulted at all, struck and abused by blows of any sort—by snowballs, oyster-shells, cinders, clubs, or sticks of any kind—this was a provocation for which the law reduces the offense of killing down to manslaughter, in consideration of those passions in our nature which cannot be eradicated. To your candor and justice I submit the prisoners and their cause.

The law in all vicissitudes of government, fluctuations of the passions, or flights of enthusiasm, will preserve a steady, undeviating course; it will not bend to the uncertain wishes, imaginations, and wanton tempers of men. To use the words of a great and worthy man, a patriot and a hero, an enlightened friend of mankind, and a martyr

to liberty—I mean Algernon Sidney,* who, from his earliest infancy, sought a tranquil retirement under the shadow of the tree of liberty, with his tongue, his pen, and his sword. "The law (says he) no passion can disturb. 'Tis void of desire and fear, lust and anger. 'Tis *mens sine affectu;* written reason; retaining some measure of the divine perfection. It does not enjoin that which pleases a weak frail man, but without any regard to persons commands that which is good, and punishes evil in all, whether rich or poor, high or low. 'Tis deaf, inexorable, inflexible." On the one hand, it is inexorable to the cries and lamentations of the prisoners; on the other, it is deaf—deaf as an adder—to the clamors of the populace.

*Author of "Discourses Concerning Government;" executed on a false charge of treason under Charles II., in 1683.

3. PATRICK HENRY, of Virginia.—LIBERTY OR DEATH

(In the Virginia Convention, March 23, 1775.)

The resistance of the colonies to the attempts of England to tax them culminated in the "Boston Tea-party" of December 16, 1773; this led to the Acts closing the port of Boston and revoking the Massachusetts charter; and these to the union of the colonies in the First Continental Congress (1774). In preparation for armed conflict, Patrick Henry introduced the following motion in the Virginia Convention (March 23, 1775):

"*Resolved*, . . . That this colony be immediately put into a state of defense, and that ———— be a committee to prepare a plan for embodying, arming, and disciplining such a number of men as may be sufficient for that purpose."

The speech in which Mr. Henry supported the resolution is famous in American eloquence. "It was a proud [day] to a Virginian feeling and acting with his country," says Edmund Randolph, an eye-witness. "*Demosthenes* invigorated the timid, and *Cicero** charmed the backward. The multitude, many of whom had traveled to the conven-

Patrick Henry. Born, 1736; first elected to the House of Burgesses, 1765; delegate to the Continental Congress, 1774 and 1775; Governor of Virginia, 1775–1780, and 1784; member of the Virginia Convention to ratify the Federal Constitution, 1788; retired from public life, 1794; died, 1799.

*Virginians called Patrick Henry the Demosthenes, and Richard Henry Lee the Cicero of the age. (John Adams, Works, II, p. 357.)

[John Dickinson, Declaration of the Colonies on taking up Arms, July, 1775.]

If it was possible for men who exercise their reason to believe that the Divine Author of our existence intended a part of the human race to hold an absolute property in and unbounded power over others, marked out by His infinite goodness and wisdom as the objects of a legal domination never rightfully resistible, however severe and oppressive, the inhabitants of these colonies might at least require from the Parliament of Great Britain some evidence that this dreadful authority has been granted to that body. But a reverence for our great Creator, principles of humanity, and the dictates of common sense, must convince all those who reflect upon the subject that government was instituted to promote the welfare of mankind, and ought to be administered for the attainment of that end. The legislature of Great Britain, . . . stimulated by an inordinate passion for a power not only unjustifiable, but which they know to be peculiarly reprobated by the very constitution of that kingdom, . . . have attempted to effect their cruel and impolitic purpose of enslaving these colonies by violence, and have thereby rendered it necessary for us to close with their last appeal from reason to arms. Yet, however blinded that assembly may be by their intemperate rage for unlimited domination, so to slight justice and the opinion of mankind, we esteem ourselves bound by obligations of respect to the rest of the world to make known the justice of our cause.

Our forefathers, inhabitants of the island of Great Britain, left their native land to seek on these shores a residence for civil and religious freedom. At the expense of their blood; at the hazard of their fortunes; without the least charge to the country from which they removed; by unceasing labor and an unconquerable spirit, they effected settlements in the distant and inhospitable wilds of America, then filled with numerous and warlike nations of barbarians. Societies or governments, vested with perfect legislatures, were formed under charters from the

Crown, and an harmonious intercourse was established between the colonies and the kingdom from which they derived their origin. The mutual benefits of this union became in a short time so extraordinary as to excite astonishment. It is universally confessed that the amazing increase of the wealth, strength, and navigation of the realm arose from this source; and the minister who so wisely and successfully directed the measures of Great Britain in the late war, publicly declared that these colonies enabled her to triumph over her enemies. Towards the conclusion of that war, it pleased our sovereign to make a change in his counsels. From that fatal moment the affairs of the British Empire began to fall into confusion, and gradually sliding from the summit of glorious prosperity to which they had been advanced by the virtues and abilities of one man [William Pitt, Earl of Chatham], are at length distracted by the convulsions that now shake its deepest foundations. The new ministry, finding the brave foes of Britain, though frequently defeated, yet still contending, took up the unfortunate idea of granting them a hasty peace, and of then subduing her faithful friends.

These devoted colonies were judged to be in such a state as to present victories without bloodshed, and all the easy emoluments of statutable plunder. The uninterrupted tenor of their peaceable and respectful behavior from the beginning of colonization; their dutiful, zealous and useful services during the war, though so recently and amply acknowledged in the most honorable manner by his majesty, by the late king [George II.], and by Parliament, could not save them from the meditated innovations. Parliament was influenced to adopt the pernicious project, and assuming a new power over them have, in the course of eleven years, given such decisive specimens of the spirit and consequences attending this power, as to leave no doubt concerning the effects of acquiescence under it. They have undertaken to give and grant our money without our consent, though we have ever exercised an exclusive right to dispose of our

own property; statutes have been passed for extending the jurisdiction of courts of admiralty, and vice-admiralty, beyond their ancient limits; for depriving us of the accustomed and inestimable privilege of trial by jury, in cases affecting both life and property; for suspending the legislature of one of the colonies; for interdicting all commerce to the capital of another, and for altering, fundamentally, the form of government established by charter and secured by acts of its own legislature, solemnly confirmed by the Crown; for exempting the murderers of colonists from legal trial, and in effect, from punishment; for erecting in a neighboring province [Canada], acquired by the joint arms of Great Britain and America, a despotism dangerous to our very existence; and for quartering soldiers upon the colonists in time of profound peace. It has also been resolved in Parliament that colonists charged with committing certain offenses shall be transported to England to be tried.

But why should we enumerate our injuries in detail? By one statute it is declared that Parliament can "of right make laws to bind us in all cases whatsoever." What is to defend us against so enormous, so unlimited a power? Not a single man of those who assume it is chosen by us, or is subject to our control or influence; but on the contrary they are all of them exempt from the operation of such laws, and an American revenue, if not diverted from the ostensible purposes for which it is raised, would actually lighten their own burdens in proportion as they increase ours. We saw the misery to which such despotism would reduce us. We for ten years incessantly and ineffectually besieged the throne as supplicants; we reasoned, we remonstrated with Parliament in the most mild and decent language.

Administration, sensible that we should regard these oppressive measures as freemen ought to do, sent over fleets and armies to enforce them. The indignation of the Americans was roused, it is true, but it was the indignation of a virtuous, loyal, and affectionate people. A Congress of

delegates from the united colonies was assembled at Philadelphia on the fifth day of last September. We resolved again to offer an humble and dutiful petition to the king, and also addressed our fellow-subjects of Great Britain. We have pursued every temperate, every respectful measure; we have even proceeded to break off our commercial intercourse with our fellow-subjects, as the last peaceable admonition, that our attachment to no nation upon earth should supplant our attachment to liberty. This, we flattered ourselves, was the ultimate step of the controversy, but subsequent events have shown how vain was this hope of finding moderation in our enemies.

Several threatening expressions against the colonies were inserted in his majesty's speech; our petition, though we were told it was a decent one, and that his majesty had been pleased to receive it graciously, and to promise laying it before his Parliament, was huddled into both houses among a bundle of American papers, and there neglected. The Lords and Commons in their address, in the month of February, said that "a rebellion at that time actually existed within the province of Massachusetts Bay, and that those concerned in it had been countenanced and encouraged by unlawful combinations and engagements, entered into by his majesty's subjects in several of the other colonies; and, therefore, they besought his majesty that he would take the most effectual measures to enforce due obedience to the laws and authority of the supreme legislature." Soon after, the commercial intercourse of whole colonies with foreign countries and with each other was cut off by an act of Parliament; by another, several of them were entirely prohibited from the fisheries in the seas near their coasts, on which they always depended for their subsistence, and large reinforcements of ships and troops were immediately sent over to General Gage.

Fruitless were all the entreaties, arguments, and eloquence of an illustrious band of the most distinguished peers and commoners, who nobly and strenuously asserted

the justice of our cause, to stay or even to mitigate the heedless fury with which these accumulated and unexampled outrages were hurried on. Equally fruitless was the interference of the city of London, of Bristol, and many other respectable towns, in our favor. Parliament adopted an insidious manœuvre, calculated to divide us, to establish a perpetual auction of taxations, where colony should bid against colony, all of them uninformed what ransom would redeem their lives; and thus to extort from us, at the point of the bayonet, the unknown sums that should be sufficient to gratify—if possible to gratify—ministerial rapacity; with the miserable indulgence left to us of raising, in our own mode, the prescribed tribute. What terms more rigid and humiliating could have been dictated by remorseless victors to conquered enemies? In our circumstances to accept them would be to deserve them.

Soon after the intelligence of these proceedings arrived on this continent, General Gage, who in the course of the last year had taken possession of the town of Boston, in the province of Massachusetts Bay, and still occupied it as a garrison, on the nineteenth day of April sent out from that place a large detachment of his army, who made an unprovoked assault on the inhabitants of the said province at the town of Lexington, as appears by the affidavits of a great number of persons, some of whom were officers and soldiers of that detachment; murdered eight of the inhabitants and wounded many others. From thence the troops proceeded, in warlike array, to the town of Concord, where they set upon another party of the inhabitants of the same province, killing several and wounding more, until compelled to retreat by the country people suddenly assembled to repel this cruel aggression. Hostilities, thus commenced by the British troops, have been since prosecuted by them, without regard to faith or reputation. The inhabitants of Boston being confined within that town by the general their governor, and having, in order to procure their dismission entered into a treaty with him, it was stipulated

that the said inhabitants having deposited their arms with their own magistrates should have liberty to depart, taking with them their other effects. They accordingly delivered up their arms: but in open violation of honor, in defiance of the obligation of treaties, which even savage nations esteem sacred, the governor ordered the arms, deposited as aforesaid that they might be preserved for their owners, to be seized by a body of soldiers; detained the greatest part of the inhabitants in the town; and compelled the few who were permitted to retire to leave their most valuable effects behind.

By this perfidy wives are separated from their husbands, children from their parents, the aged and the sick from their relations and friends, who wish to attend and comfort them; and those who have been used to live in plenty, and even elegance, are reduced to deplorable distress.

The general, further emulating his ministerial masters, by a proclamation bearing date on the twelfth day of June, after venting the grossest falsehoods and calumnies against the good people of these colonies, proceeds to "declare them all, either by name or description, to be rebels and traitors, to supersede the course of common law, and instead thereof to publish and order the use and exercise of the law martial." His troops have butchered our countrymen, have wantonly burnt Charlestown, besides a considerable number of houses in other places; our ships and vessels are seized; the necessary supplies of provisions are intercepted; and he is exerting his utmost power to spread destruction and devastation around him.

We have received certain intelligence that General Carleton, the Governor of Canada, is instigating the people of that province and the Indians to fall upon us; and we have but too much reason to apprehend that schemes have been formed to excite domestic enemies against us. In brief, a part of these colonies now feel, and all of them are sure of feeling, as far as the vengeance of administration can inflict them, the complicated calamities of fire,

sword, and famine. We are reduced to the alternative of choosing an unconditional submission to the tyranny of irritated ministers, or resistance by force. The latter is our choice. WE HAVE COUNTED THE COST OF THIS CONTEST, AND FIND NOTHING SO DREADFUL AS VOLUNTARY SLAVERY! Honor, justice, and humanity forbid us tamely to surrender that freedom which we received from our gallant ancestors, and which our innocent posterity have a right to receive from us. We cannot endure the infamy and guilt of resigning succeeding generations to that wretchedness which inevitably awaits them, if we basely entail hereditary bondage upon them.

Our cause is just. Our union is perfect. Our internal resources are great, and, if necessary, foreign assistance is undoubtedly attainable. We gratefully acknowledge, as signal instances of Divine favor towards us, that His providence would not permit us to be called into this severe controversy until we were grown up to our present strength, had been previously exercised in warlike operations, and possessed the means of defending ourselves. With hearts fortified by these animating reflections, we most solemnly, before God and the world, DECLARE, *that, exerting the utmost energy of those powers which our beneficent Creator has graciously bestowed upon us, the arms which we have been compelled by our enemies to assume, we will, in defiance of every hazard, with unabating firmness and perseverance employ for the preservation of our liberties; being with one mind resolved to die freemen rather than to live slaves.*

Lest this declaration should disquiet the minds of our friends and fellow-subjects in any part of the empire, we assure them that we mean not to dissolve that union which has so long and so happily subsisted between us, and which we sincerely wish to see restored. Necessity has not yet driven us into that desperate measure, or induced us to excite any other nation to war against them. We have not raised armies with ambitious designs of separating from Great Britain, and establishing independent states. We fight

not for glory or for conquest. We exhibit to mankind the remarkable spectacle of a people attacked by unprovoked enemies, without any imputation or even suspicion of offense. They boast of their privileges and civilization, and yet proffer no milder conditions than servitude or death.

In our own native land, in defense of the freedom that is our birth-right and which we ever enjoyed till the late violation of it, for the protection of our property acquired solely by the honest industry of our forefathers and ourselves, against violence actually offered, we have taken up arms. We shall lay them down when hostilities shall cease on the part of the aggressors, and all danger of their being renewed shall be removed, and not before.

With an humble confidence in the mercies of the Supreme and impartial Judge and Ruler of the universe, we most devoutly implore His divine goodness to protect us happily through this great conflict, to dispose our adversaries to reconciliation on reasonable terms, and thereby to relieve the empire from the calamities of civil war.

5. JOHN WITHERSPOON, of New Jersey.—THE NECESSITY OF CONFEDERATION

(In Congress, at Philadelphia, July 30, 1776.)

On June 7, 1776, Richard Henry Lee of Virginia introduced the following resolutions in the Continental Congress:

"*Resolved,* That these United Colonies are, and of right ought to be, free and independent States; that they are absolved from all allegiance to the British crown; and that all political connection between them and the state of Great Britain is, and of right ought to be, totally dissolved. . . .

"That a plan of Confederation be prepared and transmitted to the respective colonies for their consideration and approbation."

The first of these resolutions resulted (July 4, 1776) in the Declaration of Independence; the second led to the formulation and ultimate adoption of the Articles of Confederation.

The "plan of confederation" here ordered to be prepared was first reported July 12, 1776. It was adopted by Congress and recommended to the States for "immediate and dispassionate consideration" on November 15, 1777; but

John Witherspoon, D.D. Born near Edinburgh, Scotland, 1722; graduated from Edinburgh University, 1739; became president of New Jersey College, 1768; member of the New Jersey Constitutional Convention, 1776; member of the Continental Congress, 1776–82; died, 1795.

it was not finally acceded to by Maryland, the last of the thirteen States, until 1781, on March 1st of which year it formally went into effect. The government created was one of strictly limited powers, each State retaining "its sovereignty, freedom, and independence, and every power, jurisdiction, and right which is not by this Confederation expressly delegated to the United States in Congress assembled." There was no provision for a separate executive, so the administration was left to Congress, its committees, and the officers appointed by it. The Congress was a legislature of a single house, consisting of delegates appointed by and responsible to the State Legislatures. Each State delegation possessed one vote. On important matters the votes of nine States were necessary. To amend the Articles themselves, confirmation by the legislature of every State was required. A common treasury was established out of which all charges of war and other expenses were to be defrayed; but to fill the treasury Congress could only make requisitions on the States, which alone assessed and collected taxes. On the other hand, Congress was given the sole and exclusive right of determining on war and peace, of sending and receiving ambassadors, and of entering into treaties and alliances with foreign powers.

In the discussions which preceded the final adoption of the Articles, serious differences of opinion were revealed over the question of representation and taxation (which involved the question of the status of slaves), over the control of the Indians, and especially over the ownership of the Western lands. The long delay in ratifying the Articles was due to Maryland's resolute demand that those States which claimed territory extending to the Mississippi or the Pacific (Massachusetts, Connecticut, Virginia, the Carolinas, and New York) should first surrender to the

United States these Western lands. In Congress itself opposition on this question had arisen. In the midst of the first discussions of the Articles (July 25, 1776) James Wilson of Pennsylvania had characterized these claims as "extravagant" and "made upon mistakes"; Pennsylvania, he continued, "has no right to interfere in these claims, but she has a right to say that she will not confederate unless these claims are cut off." (Notes of the debates, in John Adams, *Works,* II, p. 493.)

It was the imminent danger, revealed by these discussions, of the failure of all plans for permanent union, which called forth the following speech (July 30, 1776) from Dr. John Witherspoon, President of the New Jersey College (now Princeton University) and a delegate in Congress from that State. To those who had objected that America was not yet "ripe" for independence, Witherspoon had replied, "We are not only ripe but rotting." His learning and ability made him a leading figure alike in the religion, education, and politics of the time. A special value attaches to this and the few other speeches contained in the four volumes of Witherspoon's *Works,* for they are almost the only speeches which have come down to us from the Continental Congress.

[John Witherspoon, in Congress, at Philadelphia, July 30, 1776.]

THE absolute necessity of union to the vigor and success of those measures on which we are already entered, is felt and confessed by every one of us without exception; so far indeed that those who have expressed their fears or suspicions of the existing confederacy proving abortive, have yet agreed in saying that there must and shall be a confederacy for the purposes of and till the finishing of this war. So far is well; and so far it is pleasing to hear them express their sentiments. But I entreat

gentlemen calmly to consider how far the giving up all hopes of a lasting confederacy among these States, for their future security and improvement, will have an effect upon the stability and efficacy of even the temporary confederacy, which all acknowledge to be necessary? I am fully persuaded that when it comes to be generally known that the delegates of the provinces consider a lasting union as impracticable, it will greatly derange the minds of the people and weaken their hands in defense of their country, which they have now undertaken with so much alacrity and spirit. I confess it would to me greatly diminish the glory and importance of the struggle, whether considered as for the rights of mankind in general, or for the prosperity and happiness of this continent in future times.

It would quite depreciate the object of hope, as well as place it at a greater distance. For what would it signify to risk our possessions and shed our blood to set ourselves free from the encroachments and oppression of Great Britain, with a certainty, as soon as peace was settled with them, of a more lasting war, a more unnatural, more bloody, and much more hopeless war among the colonies themselves? Some of us consider ourselves as acting for posterity at present, having little expectation of living to see all things fully settled, and the good consequences of liberty taking effect. But how much more uncertain the hope of seeing the internal contests of the colonies settled upon a lasting and equitable footing.

One of the greatest dangers I have always considered the colonies as exposed to at present is treachery among themselves, augmented by bribery and corruption from our enemies. But what force would be added to the arguments of seducers, if they could say with truth that it was of no consequence whether we succeeded against Great Britain or not, for we must in the end be subjected, the greatest part of us, to the power of one or more of the strongest or largest of the American States? And here I would apply the argument which we have so often used against Great

Britain—that in all history we see that the slaves of freemen, and the subject states of republics, have been of all others the most grievously oppressed. I do not think the records of time can produce an instance of slaves treated with so much barbarity as the Helotes by the Lacedæmonians, who were the most illustrious champions for liberty in all Greece; or of provinces more plundered and spoiled than the states conquered by the Romans, for one hundred years before Cæsar's dictatorship. The reason is plain: there are many great men in free states. There were many consular gentlemen in that great republic, who all considered themselves as greater than kings, and must have kingly fortunes, which they had no other way of acquiring but by governments of provinces, which lasted generally but one year and seldom more than two.

In what I have already said, or may say, or any cases I may state, I hope every gentleman will do me the justice to believe that I have not the most distant view to particular persons or societies, and mean only to reason from the usual course of things, and the prejudices inseparable from men as such. And can we help saying that there will be a much greater degree, not only of the corruption of particular persons, but the defection of particular provinces from the present confederacy, if they consider our success itself as only a prelude to contests of a more dreadful nature, and indeed much more properly a civil war, than that which now often obtains the name? Must not small colonies in particular be in danger of saying, We must secure ourselves? If the colonies are independent States, separate and disunited, after this war, we may be sure of coming off by the worse. We [the small States] are in no condition to contend with several of them. Our trade in general, and our trade with them, must be upon such terms as they shall be pleased to prescribe. What will be the consequence of this? Will they not be ready to prefer putting themselves under the protection of Great Britain, France, or Holland, rather than submit to the tyranny of

their neighbors, who were lately their equals? Nor would it be at all impossible that they should enter into such rash engagements as would prove their own destruction, from a mixture of apprehended necessity and real resentment.

Perhaps it may be thought that breaking off this confederacy, and leaving it unfinished after we have entered upon it, will be only postponing the duty to some future period? Alas! nothing can exceed the absurdity of that supposition. Does not all history cry out, that a common danger is the great and only effectual means of settling difficulties, and composing differences? Have we not experienced its efficacy in producing such a degree of union through these colonies, as nobody would have prophesied and hardly any would have expected?

If, therefore, at present, when the danger is yet imminent, when it is so far from being over that it is but coming to its height, we shall find it impossible to agree upon the terms of this confederacy, what madness is it to suppose that there ever will be a time, or that circumstances will so change as to make it even probable that it will be done at an after season? Will not the very same difficulties that are in our way, be in the way of those who shall come after us? Is it possible that they should be ignorant of them, or inattentive to them? Will they not have the same jealousies of each other, the same attachment to local prejudices, and particular interest? So certain is this, that I look upon it as on the repentance of a sinner. Every day's delay, though it adds to the necessity, yet augments the difficulty and takes from the inclination.

There is one thing that has been thrown out by which some seem to persuade themselves of, and others to be more indifferent about, the success of a confederacy,—that from the nature of men it is to be expected that a time must come when it will be dissolved and broken in pieces. I am none of those who either deny or conceal the depravity of human nature till it is purified by the light of the truth and

renewed by the Spirit of the living God. Yet I apprehend there is no force in that reasoning at all. Shall we establish nothing good because we know it can not be eternal? Shall we live without government because every constitution has its old age and its period? Because we know that we shall die, shall we take no pains to preserve or lengthen out life? Far from it, sir: it only requires the more watchful attention to settle government upon the best principles and in the wisest manner, that it may last as long as the nature of things will admit.

But I beg leave to say something more, though with some risk that it will be thought visionary and romantic. I do expect, Mr. President, a progress, as in every other human art, so in the order and perfection of human society, greater than we have yet seen; and why should we be wanting to ourselves in urging it forward? It is certain, I think, that human science and religion have kept company together and greatly assisted each other's progress in the world. I do not say that intellectual and moral qualities are in the same proportion in particular persons, but they have a great and friendly influence upon one another, in societies and larger bodies.

There have been great improvements, not only in human knowledge, but in human nature, the progress of which can be easily traced in history. Everybody is able to look back to the time, in Europe, when the liberal sentiments that now prevail upon the rights of conscience would have been looked upon as absurd. It is but little above two hundred years since that enlarged system, called the balance of power, took place; and I maintain that it is a greater step, from the former disunited and hostile situation of kingdoms and states, to their present condition, than it would be from their present condition to a state of more perfect and lasting union. It is not impossible that in future times all the states in one quarter of the globe may see it proper, by some plan of union, to perpetuate security and peace; and sure I am, a well planned confederacy among the States of

America may hand down the blessings of peace and public order to many generations. The union of the Seven Provinces of the Low Countries has never yet been broken, and they are of very different degrees of strength and wealth. Neither have the cantons of Switzerland ever broken among themselves, though there are some of them Protestants, and some of them Papists, by public establishment. Not only so, but these confederacies are seldom engaged in a war with other nations. Wars are generally between monarchs, or single states that are large. A confederation of itself keeps war at a distance from the bodies of which it is composed.

For all these reasons, Sir, I humbly apprehend that every argument from honor, interest, safety, and necessity, conspire in pressing us to a confederacy; and if it be seriously attempted, I hope, by the blessing of God upon our endeavors, it will be happily accomplished.

II

The Constitution Adopted

In the words of John Quincy Adams, the Constitution of the United States was "extorted from the grinding necessity of a reluctant people." The instinct of separation among the States was stronger than the desire for union. Chief among the forces which tended to perpetuate separation were these: (1) The extent of the territory comprised in the Confederation, which was larger than the combined areas of France, Spain, Portugal, Switzerland, Belgium, Holland, and the German Empire. (2) The difficulties of communication between the different sections; the journey between Boston and New York then required more time and entailed more hardship than it now takes to cross the continent. (3) The conflicting interests among the States. And (4) the inveterate habit of State allegiance. "As to the future grandeur of America and its being a rising empire under one head, whether republican or monarchical," wrote Dean Tucker, a keen-sighted English economist who favored the independence of the colonies, "it is one of the idlest and most visionary notions that ever was conceived even by the writers of romance. The mental antipathies and clashing interests of the Americans, their differences of governments, of habitudes, and manners, indicate that they will have no center of union and no common interest. They never can be united into one compact empire under any species of government whatever; a disunited people to

the end of time, suspicious and distrustful of each other, they will be divided or subdivided into little commonwealths or principalities, according to natural boundaries, by great bays of the sea, and by vast rivers, lakes, and ridges of mountains." (Bancroft, *History of the United States*, VI, p. 50.)

The failure of government under the Articles of Confederation, however, forced the States against their will to take steps which led to the surrender of their jealously guarded sovereignty. The Congress of the Confederation proved unable to enforce the treaty provisions of 1783 upon either the States or Great Britain. The government was always without sufficient money because of the failure of the States to pay the just requisitions made upon them; and all proposals to give Congress power itself to lay taxes failed because of the requirement of unanimous action on the part of the States. The Articles gave no power to regulate inter-State or foreign commerce; and the failure of Congress to secure the navigation of the Mississippi, which was in the control of Spain, threatened to separate entirely the trans-Alleghany country from the Atlantic coast. Finally, in 1786, came a series of paroxysms of anarchy over the paper-money question, culminating in Shays' rebellion in Massachusetts, which endangered the existence of the State governments themselves. At the same time the Annapolis Convention, called to devise uniform commercial regulations, recommended a second convention to "render the constitution of the federal government adequate to the exigencies of the union"; and this recommendation, ratified by Congress, led to the Federal Convention which framed the present Constitution of the United States.

The proceedings in the Federal Convention, which sat at Philadelphia from May 14 to September 17, 1787, were secret, and the speeches delivered are known to us almost

solely through the journal of the debates kept by James Madison. With the submission of the Constitution to the States, the public discussion began. Much of the ablest part of this took the form of newspaper articles and pamphlets, such as *The Federalist,* written by Hamilton, Madison and Jay, and the *Letters of the Federal Farmer,* written against the Constitution by Richard Henry Lee: these are omitted as outside the scope of this collection. In the State conventions, however, many notable orations were delivered which were stenographically (though imperfectly) reported; and a selection from these speeches constitutes the subject-matter of this section.

Three speeches are presented for the "new plan," and one against it. In selecting the former, it seemed best to take discussions which deal with the general structure of the Constitution and the need of adopting it, rather than with those particular details which are more fittingly discussed in a constitutional treatise. In illustrating the Anti-Federalist attitude, the choice of materials is somewhat limited; for though the objections raised by the opposition range from grave to frivolous, the serious criticisms are directed in the main to particular details, and the frivolous speeches seem unworthy of preservation. The general character of many of the opposition's efforts was well expressed in the following receipt for an Anti-Federalist essay: "Take Well-born nine times; Aristocracy eighteen times; Liberty of the Press thirteen times repeated; Liberty of Conscience once; Negro Slavery once mentioned; Trial by Jury seven times; Great Men six times repeated; Mr. Wilson forty times; and lastly George Mason's right hand in a cutting box nineteen times [Mason, of Virginia, had said that he would have lost his hand rather than sign the Constitution.] Put them all together, and dish them up at pleasure." (*Pennsylvania Gazette,* November 14, 1787.) A

similar point of view is expressed in an article in the *American Museum* for April, 1788, in which the author satirically says: "I would submit to any candid man, if in this Constitution there is the least provision for the privilege of shaving the beard? or is there any mode laid down to take the measure of a pair of breeches?"

The contest over the ratification was chiefly fought out in the States of Pennsylvania, Massachusetts, Virginia, and New York. The action of the Massachusetts Federalists in conciliating the powerful Anti-Federalist interests in that State, and accepting the proposal to ratify with the *recommendation* of amendments desired (in place of rejection, or of conditional ratification), was probably decisive of the contest; all States which acted subsequently to Massachusetts followed this course. The ratification by New Hampshire gave the nine States necessary to secure the Constitution, and September 13th Congress voted to put the new government into operation. The following table showing the progress of ratification will be of service for reference:

1787, Sept.	17.	The Constitution reported by the Convention.
Sept.	28.	The Constitution transmitted by Congress to the States.
Dec.	6.	(1) Delaware ratifies, unanimously.
Dec.	12.	(2) Pennsylvania ratifies, 46 to 23.
Dec.	18.	(3) New Jersey ratifies, unanimously.
1788, Jan.	2.	(4) Georgia ratifies, unanimously.
Jan.	9.	(5) Connecticut ratifies, 128 to 40.
Feb.	6.	(6) Massachusetts ratifies, 187 to 168, and *proposes nine amendments.*
April	26.	(7) Maryland ratifies, 63 to 11, the minority proposing twenty-eight amendments.

May 23. (8) South Carolina ratifies, 149 to 73, and proposes four amendments.

June 21. (9) New Hampshire ratifies, 57 to 46, and proposes twelve amendments. *The Constitution assured.*

June 26. (10) Virginia ratifies, 89 to 79, and proposes a bill of rights and twenty amendments.

July 26. (11) New York ratifies, 30 to 27, and proposes thirty-two amendments.

Sept. 13. *Congress votes to put the Constitution into operation.*

1789, Nov. 21. (12) North Carolina ratifies, 192 to 75, and proposes a bill of rights and twenty-six amendments.

1790, May 29. (13) Rhode Island ratifies, and proposes a bill of rights and twenty-one amendments. *The union completed.*

For the study of this period the following books are valuable: Curtis, *Constitutional History of the United States;* Bancroft, *History of the Constitution;* McLaughlin, *Confederation and Constitution;* Schouler, *History of the United States,* Vol. I; McMaster, *History of the People of the United States,* Vol. I; Hunt, *James Madison;* Lodge, *Alexander Hamilton;* Tyler, *Patrick Henry.*

6. JAMES WILSON, of Pennsylvania.—FOR THE FEDERAL CONSTITUTION

(Delivered in Philadelphia, November 26, 1787.)

The first and by far the most bitter contest over the adoption of the Federal Constitution occurred in Pennsylvania, the supporters of whose extremely democratic and impracticable State constitution became Anti-Federalists almost to a man, because the new Federal plan was supported by their opponents in State politics. The preponderance in numbers, however, as well as in ability, was with the Federalists, among whom James Wilson clearly ranked first. Born in Scotland and educated in its universities, he had shown himself, in the language of the historian McMaster, "undoubtedly the best prepared, by deep and systematic study of the history and science of government," of all the fifty-five members of the Federal Convention. He had there taken a stand, with Randolph of Virginia, and others, for a truly national government, with a single executive; he had opposed the equal representation of the States in the Senate; and had advocated the election of Senators directly by the people. In an address to the citizens of Philadelphia, delivered October 6, 1787, he had convincingly answered the objection (so often to be raised by the Anti-Federalists) that the Con-

James Wilson. Born in Scotland, 1742; educated at the universities of St. Andrews, Glasgow, and Edinburgh; emigrated to America, 1763; member of the Pennsylvania convention, 1774; of the Continental Congress, 1775–77, 1782, and 1785; of the Federal Convention, 1787; of the Pennsylvania ratifying convention, 1787; appointed judge of the Supreme Court of the United States, 1789; died 1798.

stitution menaced liberty by its omission of a "bill of rights"; he pointed out that whereas in a State constitution all powers are granted which are not specifically withheld, in the proposed Federal Constitution "everything which is not given is reserved," and hence such guarantees are needless.

The speech given below was delivered in the Pennsylvania ratifying convention on November 26, 1787. It is generally regarded as "one of the most comprehensive and luminous commentaries on the Constitution" which has come down to us from that period. Of Wilson's power as a speaker, Alexander Graydon said, "He produced greater orations than any man I have heard." The final ratification of the Constitution by Pennsylvania, however, was carried by only 46 yeas to 23 nays—a vote which showed exactly the same alignment of delegates (except for one man) that had been revealed by the first test vote at the beginning of the convention. The conversion of this one man, therefore, was the net result of all the able oratory and arguments on the Federal side. (See Harding, "Party Struggles Over the First Pennsylvania Constitution," in *Report of American Historical Association* for 1894, p. 394.)

[James Wilson in the Pennsylvania ratifying Convention, at Philadelphia, November 26, 1787.]

THE system proposed by the late convention for the government of the United States is now before you. Of that convention I had the honor to be a member. As I am the only member of that body who has the honor to be also a member of this, it may be expected that I should prepare the way for the deliberations of this assembly, by unfolding the difficulties which the late convention were obliged to encounter; by pointing out the end which they proposed to accomplish; and by tracing the general principles which they have adopted for the accomplishment of that end.

To form a good system of government for a single city or state, however limited as to territory, or inconsiderable as to numbers, has been thought to require the strongest efforts of human genius. With what conscious diffidence, then, must the members of the convention have revolved in their minds the immense undertaking which was before them. Their views could not be confined to a small or a single community, but were expanded to a great number of States, several of which contain an extent of territory, and resources of population, equal to those of some of the most respectable kingdoms on the other side of the Atlantic. Nor were even these the only objects to be comprehended within their deliberations. Numerous States yet unformed, myriads of the human race who will inhabit regions hitherto uncultivated, were to be affected by the result of their proceedings. It was necessary, therefore, to form their calculations on a scale commensurate to a large portion of the globe.

For my own part, I have been often lost in astonishment at the vastness of the prospect before us. To open the navigation of a single river was lately thought, in Europe, an enterprise adequate to imperial glory.* But could the com-

*The river Scheldt was closed to navigation by the treaty of Westphalia, 1648, to appease the commercial jealousy of the Dutch Republic. In 1783 the Emperor Joseph II., whose territories included what is now Belgium, attempted unsuccessfully to overturn this arrangement; but the river was not reopened until 1792, when Belgium was conquered by the troops of the French Republic.

mercial scenes of the Scheldt be compared with those that, under a good government, will be exhibited on the Hudson, the Delaware, the Potomac, and the numerous other rivers, that water and are intended to enrich the dominions of the United States?

The difficulty of the business was equal to its magnitude. No small share of wisdom and address is requisite to combine and reconcile the jarring interests that prevail, or seem to prevail, in a single community. The United States contain already thirteen governments mutually independent. Those governments present to the Atlantic a front of fifteen hundred miles in extent. Their soil, their climates, their productions, their dimensions, their numbers, are different. In many instances, a difference and even an opposition subsists among their interests; and a difference and even an opposition is imagined to subsist in many more. An apparent interest produces the same attachment as a real one, and is often pursued with no less perseverance and vigor. When all these circumstances are seen and attentively considered, will any member of this honorable body be surprised that such a diversity of things produced a proportioned diversity of sentiment? Will he be surprised that such a diversity of sentiment rendered a spirit of mutual forbearance and conciliation indispensably necessary to the success of the great work? And will he be surprised that mutual concessions and sacrifices were the consequences of mutual forbearance and conciliation? When the springs of opposition were so numerous and strong, and poured forth their waters in courses so varying, need we be surprised that the stream formed by their conjunction was impelled in a direction somewhat different from that which each of them would have taken separately?

I have reason to think that a difficulty arose in the minds of some members of the convention from another consideration—their ideas of the temper and disposition of the people for whom the constitution is proposed. The citizens of the United States, however different in some other respects,

are well known to agree in one strongly marked feature of their character—a warm and keen sense of freedom and independence. This sense has been heightened by the glorious result of their late struggle against all the efforts of one of the most powerful nations of Europe. It was apprehended, I believe, by some, that a people so high-spirited would ill brook the restraints of an efficient government. I confess that this consideration did not influence my conduct. I knew my constituents to be high-spirited; but I knew them also to possess sound sense. I knew that, in the event, they would be best pleased with that system of government which would best promote their freedom and happiness. I have often revolved this subject in my mind. I have supposed one of my constituents to ask me, Why I gave such a vote on a particular question? I have always thought it would be a satisfactory answer to say, Because I judged, upon the best consideration I could give, that such a vote was right. I have thought that it would be but a very poor compliment to my constituents to say that, in my opinion, such a vote would have been proper, but that I supposed a contrary one would be more agreeable to those who sent me to the convention. I could not, even in idea, expose myself to such a retort as, upon the last answer, might have been justly made to me: Pray, sir, what reason have you for supposing that a right vote would displease your constituents? Is this the proper return for the high confidence they have placed in you? If they have given cause for such a surmise, it was by choosing a representative who would entertain such an opinion of them. I was under no apprehension, that the good people of this State would behold with displeasure the brightness of the rays of delegated power, when it only proved the superior splendor of the luminary of which those rays were only the reflection.

A very important difficulty arose from comparing the extent of the country to be governed, with the kind of government which it would be proper to establish in it. It has been an opinion countenanced by high authority [Montes-

quieu, *Spirit of Laws*] "that the natural property of small states is to be governed as a republic; of middling ones, to be subject to a monarch; and of large empires, to be swayed by a despotic prince; and that the consequence is, that in order to preserve the principles of the established government the state must be supported in the extent it has acquired; and that the spirit of the state will alter in proportion as it extends or contracts its limits." This opinion seems to be supported, rather than contradicted, by the history of the governments in the Old World. Here then the difficulty appears in full view. On one hand, the United States contain an immense extent of territory, and, according to the foregoing opinion, a despotic government is best adapted to that extent. On the other hand, it was well known that, however the citizens of the United States might, with pleasure, submit to the legitimate restraints of a republican constitution, they would reject with indignation the fetters of despotism. What then was to be done? The idea of a confederate republic presented itself. This kind of constitution has been thought to have "all the internal advantages of a republican, together with the external force of a monarchical government." Its description is, "a convention, by which several states agree to become members of a larger one, which they intend to establish. It is a kind of assemblage of societies, that constitute a new one, capable of increasing by means of further association." The expanding quality of such a government is peculiarly fitted for the United States, the greatest part of whose territory is yet uncultivated.

But while this form of government enabled us to surmount the difficulty last mentioned, it conducted us to another, of which I am now to take notice. It left us almost without precedent or guide; and, consequently, without the benefit of that instruction which, in many cases, may be derived from the constitution, and history, and experience of other nations. Several associations have frequently been called by the name of confederate states, which have

not, in propriety of language, deserved it. The Swiss Cantons are connected only by alliances. The United Netherlands are indeed an assemblage of societies; but this assemblage constitutes no new one; and, therefore, it does not correspond with the full definition of a confederate republic. The Germanic body [the Empire] is composed of such disproportioned and discordant materials, and its structure is so intricate and complex, that little useful knowledge can be drawn from it. Ancient history discloses, and barely discloses to our view, some confederate republics—the Achæan League, the Lycian Confederacy, and the Amphictyonic Council. But the facts recorded concerning their constitutions are so few and general, and their histories are so unmarked and defective, that no satisfactory information can be collected from them concerning many particular circumstances, from an accurate discernment and comparison of which alone legitimate and practical inferences can be made from one constitution to another. Besides, the situation and dimensions of these confederacies, and the state of society, manners, and habits in them, were so different from those of the United States, that the most correct description could have supplied but a very small fund of applicable remark. Thus, in forming this system, we were deprived of many advantages which the history and experience of other ages and other countries would, in other cases, have afforded us.

Permit me to add, in this place, that the science even of government itself, seems yet to be almost in its state of infancy. Governments, in general, have been the result of force, of fraud, and of accident. After a period of six thousand years has elapsed since the creation, the United States exhibit to the world the first instance, as far as we can learn, of a nation, unattacked by external force, unconvulsed by domestic insurrections, assembling voluntarily, deliberating fully, and deciding calmly, concerning that system of government under which they would wish that they and their posterity should live. The ancients, so en-

lightened on other subjects, were very uninformed with regard to this. They seem scarcely to have had any idea of any other kinds of government, than the three simple forms designated by the epithets, monarchical, aristocratical, and democratical. I know that much and pleasing ingenuity has been exerted in modern times, in drawing entertaining parallels between some of the ancient constitutions, and some of the mixed governments that have since existed in Europe. But I much suspect that, on strict examination, the instances of resemblance will be found to be few and weak; to be suggested by the improvements, which, in subsequent ages, have been made in government; and not to be drawn immediately from the ancient constitutions themselves, as they were intended and understood by those who framed them. To illustrate this, a similar observation may be made on another subject. Admiring critics have fancied, that they have discovered in their favorite Homer the seeds of all the improvements in philosophy, and in the sciences, made since his time. What induces me to be of this opinion is, that Tacitus, the profound politician Tacitus, who lived towards the latter end of those ages which are now denominated ancient, who undoubtedly had studied the constitutions of all the states and kingdoms known before and in his time, and who certainly was qualified, in an uncommon degree, for understanding the full force and operation of each of them, considers, after all he had known and read, a mixed government, composed of the three simple forms, as a thing rather to be wished than expected; and he thinks that if such a government could even be instituted, its duration could not be long. One thing is very certain, that the doctrine of representation in government was altogether unknown to the ancients. Now, the knowledge and practice of this doctrine is, in my opinion, essential to every system, that can possess the qualities of freedom, wisdom, and energy.

It is worthy of remark, and the remark may, perhaps, excite some surprise, that representation of the people is

not, even at this day, the sole principle of any government in Europe. Great Britain boasts, and she may well boast, of the improvement she has made in politics, by the admission of representation; for the improvement is important as far as it goes: but it by no means goes far enough. Is the executive power of Great Britain founded on representation? This is not pretended. Before the Revolution [of 1688] many of the kings claimed to reign by divine right and others by hereditary right; and even at the Revolution, nothing farther was effected or attempted, than the recognition of certain parts of an original contract, supposed at some remote period to have been made between the king and the people. A contract seems to exclude, rather than to imply, delegated power. The judges of Great Britain are appointed by the Crown. The judicial authority, therefore, does not depend upon representation, even in its most remote degree. Does representation prevail in the legislative department of the British government? .Even here it does not predominate; though it may serve as a check. The legislature consists of three branches, the king, the lords, and the commons. Of these, only the latter are supposed by the constitution to represent the authority of the people. This short analysis clearly shows to what a narrow corner of the British constitution the principle of representation is confined. I believe it does not extend farther, if so far, in any other government in Europe. For the American States were reserved the glory and the happiness of diffusing this vital principle through all the constituent parts of the government. Representation is the chain of communication between the people and those to whom they have committed the exercise of the powers of government. This chain may consist of one or more links; but in all cases it should be sufficiently strong and discernible.

To be left without guide or precedent was not the only difficulty in which the convention were involved by proposing to their constituents a plan of a confederate republic.

They found themselves embarrassed with another of peculiar delicacy and importance; I mean that of drawing a proper line between the National government and the governments of the several States. It was easy to discover a proper and satisfactory principle on the subject. Whatever object of government is confined in its operation and effects within the bounds of a particular State, should be considered as belonging to the government of that State; whatever object of government extends in its operation or effects beyond the bounds of a particular State, should be considered as belonging to the government of the United States. But though this principle be sound and satisfactory, its application to particular cases would be accompanied with much difficulty; because, in its application, room must be allowed for great discretionary latitude of construction of the principle. In order to lessen or remove the difficulty arising from discretionary construction on this subject, an enumeration of particular instances, in which the application of the principle ought to take place, has been attempted with much industry and care. It is only in mathematical science that a line can be described with mathematical precision. But I flatter myself that, upon the strictest investigation, the enumeration will be found to be safe and unexceptionable; and accurate, too, in as great a degree as accuracy can be expected in a subject of this nature. Particulars under this head will be more properly explained when we descend to the minute view of the enumeration which is made in the proposed Constitution.

After all, it will be necessary that, on a subject so peculiarly delicate as this, much prudence, much candor, much moderation, and much liberality should be exercised and displayed, both by the Federal government and by the governments of the several States. It is to be hoped that those virtues in government will be exercised and displayed, when we consider that the powers of the Federal government, and those of the State governments, are drawn from sources equally pure. If a difference can be discovered between

them, it is in favor of the Federal government, because that government is founded on a representation of the whole Union; whereas the government of any particular State is founded only on the representation of a part, inconsiderable when compared with the whole. Is it not more reasonable to suppose that the counsels of the whole will embrace the interest of every part, than that the counsels of any part will embrace the interests of the whole?

I intend not, sir, by this description of the difficulties with which the convention was surrounded, to magnify their skill or their merit in surmounting them, or to insinuate that any predicament, in which the convention stood, should prevent the closest and most cautious scrutiny into the performance, which they have exhibited to their constituents and to the world. My intention is of far other and higher aim —to evince by the conflicts and difficulties which must arise from the many and powerful causes which I have enumerated, that it is hopeless and impracticable to form a constitution which will in every part be acceptable to every citizen or even to every government in the United States; and that all which can be expected is, to form such a constitution as upon the whole is the best that can possibly be obtained. Man and perfection!—a State and perfection!—an assemblage of States and perfection! Can we reasonably expect, however ardently we may wish, to behold the glorious union?

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The advantages and necessity of civil government among individuals in society are not greater or stronger than, in some situations and circumstances, are the advantages and necessity of a federal government among states. A natural and a very important question now presents itself. Is such the situation, are such the circumstances, of the United States? A proper answer to this question will unfold some very interesting truths.

The United States may adopt any one of four different systems. They may become consolidated into one govern-

ment, in which the separate existence of the States shall be entirely absorbed. They may reject any plan of union or association and act as separate and unconnected States. They may form two or more confederacies. They may unite in one federal republic. Which of these systems ought to have been proposed by the convention? To support with vigor a single government over the whole extent of the United States, would demand a system of the most unqualified and the most unremitted despotism. Such a number of separate States, contiguous in situation, unconnected and disunited in government, would be, at one time, the prey of foreign force, foreign influence, and foreign intrigue; at another, the victims of mutual rage, rancor, and revenge. Neither of these systems found advocates in the late convention: I presume they will not find advocates in this. Would it be proper to divide the United States into two or more confederacies? It will not be unadvisable to take a more minute survey of this subject. Some aspects, under which it may be viewed, are far from being, at first sight, uninviting. Two or more confederacies would be each more compact, and more manageable, than a single one extending over the same territory. By dividing the United States into two or more confederacies, the great collision of interests, apparently or really different and contrary, in the whole extent of their dominion, would be broken, and in a great measure disappear in the several parts. But these advantages, which are discovered from certain points of view, are greatly overbalanced by inconveniences that will appear on a more accurate examination. Animosities, and perhaps wars, would arise from assigning the extent, the limits, and the rights of the different confederacies. The expenses of governing would be multiplied by the number of federal governments. The danger resulting from foreign influence and mutual dissensions would not, perhaps, be less great and alarming in the instance of different confederacies, than in the instance of different though more numerous unassociated States. These observations, and many others that

might be made on the subject, will be sufficient to evince that a division of the United States into a number of separate confederacies, would probably be an unsatisfactory and an unsuccessful experiment. The remaining system, which the American States may adopt, is a union of them under one confederate republic. It will not be necessary to employ much time or many arguments to show that this is the most eligible system that can be proposed. By adopting this system, the vigor and decision of a wide-spread monarchy may be joined to the freedom and beneficence of a contracted republic. The extent of territory, the diversity of climate and soil, the number and greatness and connection of lakes and rivers with which the United States are intersected and almost surrounded, all indicate an enlarged government to be fit and advantageous for them. The principles and dispositions of their citizens indicate that in this government liberty shall reign triumphant. Such indeed have been the general opinions and wishes entertained since the era of our independence. If those opinions and wishes are as well founded as they have been general, the late convention were justified in proposing to their constituents one confederate republic, as the best system of a national government for the United States.

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There are three simple species of government: monarchy, where the supreme power is in a single person; aristocracy, where the supreme power is in a select assembly, the members of which either fill up, by election, the vacancies in their own body, or succeed to their places in it by inheritance, property, or in respect of some personal right or qualification; a republic or democracy, where the people at large retain the supreme power, and act either collectively or by representation. Each of these species of government has its advantages and disadvantages.

The advantages of a monarchy are—strength, despatch, secrecy, unity of counsel. Its disadvantages are—tyranny, expense, ignorance of the situation and wants of the peo-

ple, insecurity, unnecessary wars, evils attending elections or successions.

The advantage of aristocracy is wisdom, arising from experience and education. Its disadvantages are—dissensions among themselves, oppression to the lower orders.

The advantages of democracy are—liberty, equal, cautious, and salutary laws, public spirit, frugality, peace, opportunities of exciting and producing the abilities of the best citizens. Its disadvantages are—dissensions, the delay and disclosure of public counsels, the imbecility of public measures retarded by the necessity of numerous consent.

A government may be composed of two or more of the simple forms above mentioned. Such is the British government. It would be an improper government for the United States, because it is inadequate to such an extent of territory, and because it is suited to an establishment of different orders of men. A more minute comparison between some parts of the British constitution and some parts of the plan before us, may, perhaps, find a proper place in a subsequent period of our business.

What is the nature and kind of that government which has been proposed for the United States by the late convention? In its principle it is purely democratical; but that principle is applied in different forms, in order to obtain the advantages and exclude the inconveniences of the simple modes of government.

If we take an extended and accurate view of it, we shall find the streams of power running in different directions, in different dimensions, and at different heights, watering, adorning, and fertilizing the fields and meadows through which their courses are led; but if we trace them, we shall discover that they all originally flow from one abundant fountain. In this constitution, all authority is derived from THE PEOPLE.

Fit occasions will hereafter offer for particular remarks on the different parts of the plan. I have now to ask pardon of the house for detaining them so long.

7. PATRICK HENRY, of Virginia.—AGAINST THE FEDERAL CONSTITUTION

(In the Virginia ratifying Convention, at Richmond, June 5, 1788.)

The most brilliant and dramatic fight against the Federal Constitution occurred in Virginia, where Patrick Henry, George Mason, William Grayson, and James Monroe were arrayed in opposition, and James Madison, Edmund Randolph, and John Marshall fought in its favor. Jefferson wrote from Paris in a sense opposed to the Constitution; while Washington, from his home at Mt. Vernon, exerted his great influence in its favor.

Henry made six long speeches in the Convention, besides twice that number of shorter ones directed to particular clauses. All his great oratorical powers were called into action; in later life Madison said that when he [Madison] would make "a most conclusive argument in favor of the Constitution, Henry would rise to reply, and by some significant action, such as a pause, a shake of the head, or a striking gesture, before he uttered a word, would undo all that Madison had been trying to do for an hour before." (Grigsby, *Virginia Convention of 1788,* I, p. 83.) In considering Henry's views, it should be remembered that they were formed at a time when railroads, telegraphs, daily newspapers, and other agencies for disseminating information and forming and organizing public opinion, were unknown; and when therefore the people possessed far inferior checks upon the acts of their representatives than today.

The convention met on June 2, 1788, when eight of the necessary nine States had already ratified; and it sat for twenty-three days, ratifying the Constitution by the close vote of 89 to 79. Following the precedent set by Massachusetts, the convention recommended twenty amendments, and the addition of a bill of rights.

A stenographic (though imperfect) report of the debates was taken, which may be found in volume three of Elliot's *Debates*. The speech which follows was delivered June 5th, and was Henry's first extended discussion of the subject. The reference in the first sentence is to Henry Lee of Westmoreland county ("Light-horse Harry") who immediately preceded Henry in the debate. He had spoken of "the *éclat* and brilliancy which have distinguished that gentleman, the honors with which he has been dignified, and the brilliant talents which he has so often displayed;" but had deprecated Henry's alarmist attitude towards the proposed Constitution.

[Patrick Henry, in the Virginia ratification convention, at Richmond, June 5, 1788.]

MR. CHAIRMAN: I am much obliged to the very worthy gentleman for his encomium. I wish I were possessed of talents, or possessed of anything that might enable me to elucidate this great subject. I am not free from suspicion; I am apt to entertain doubts. I rose yesterday to ask a question ["What right had they to say, 'We, the people,' instead of 'We, the States'?"], which arose in my own mind. When I asked that question, I thought the meaning of my interrogation was obvious: the fate of this question and of America may depend on this. Have they said, "We, the States?" Have they made a proposal of a compact between States? If they had, this would be a confederation: it is otherwise most clearly a consolidated government. The question turns, sir, on that poor little thing—the expression, "We, the *people*," instead of, "the

States" of America. I need not take much pains to show, that the principles of this system are extremely pernicious, impolitic, and dangerous. Is this a monarchy, like England—a compact between prince and people; with checks on the former to secure the liberty of the latter? Is this a confederacy, like Holland—an association of a number of independent states, each of which retains its individual sovereignty? It is not a democracy, wherein the people retain all their rights securely. Had these principles been adhered to, we should not have been brought to this alarming transition, from a confederacy to a consolidated government. We have no detail of those great considerations which, in my opinion, ought to have abounded before we should recur to a government of this kind. Here is a revolution as radical as that which separated us from Great Britain. It is as radical, if in this transition our rights and privileges are endangered, and the sovereignty of the States relinquished: and can not we plainly see that this is actually the case? The rights of conscience, trial by jury, liberty of the press, all your immunities and franchises, all pretensions to human rights and privileges, are rendered insecure if not lost, by this change so loudly talked of by some and inconsiderately by others. Is this tame relinquishment of rights worthy of freemen? Is it worthy of that manly fortitude that ought to characterize republicans? It is said eight States have adopted this plan. I declare that if twelve States and an half had adopted it, I would, with manly firmness and in spite of an erring world, reject it. You are not to inquire how your trade may be increased, nor how you are to become a great and powerful people, but how your liberties can be secured; for liberty ought to be the direct end of your government.

Having premised these things, I shall, with the aid of my judgment and information, which I confess are not extensive, go into the discussion of this system more minutely. Is it necessary for your liberty, that you should abandon those great rights by the adoption of this system?

Is the relinquishment of the trial by jury, and the liberty of the press, necessary for your liberty? Will the abandonment of your most sacred rights tend to the security of your liberty? Liberty, the greatest of all earthly blessings —give us that precious jewel, and you may take everything else! But I am fearful I have lived long enough to become an old-fashioned fellow. Perhaps an invincible attachment to the dearest rights of man may, in these refined enlightened days, be deemed *old-fashioned*: if so, I am contented to be so. I say, the time has been when every pulse of my heart beat for American liberty, and which, I believe, had a counterpart in the breast of every true American. But suspicions have gone forth—suspicions of my integrity. It has been publicly reported that my professions are not real. Twenty-three years ago was I supposed a traitor to my country? I was then said to be a bane of sedition, because I supported the rights of my country. I may be thought suspicious when I say our privileges and rights are in danger. But, sir, a number of the people of this country are weak enough to think these things are too true. I am happy to find that the gentleman on the other side declares they are groundless. But, sir, suspicion is a virtue, as long as its object is the preservation of the public good, and as long as it stays within proper bounds: should it fall on me, I am contented: conscious rectitude is a powerful consolation. I trust there are many who think my professions for the public good to be real. Let your suspicion look to both sides: there are many on the other side who, possibly, may have been persuaded of the necessity of these measures which I conceive to be dangerous to liberty. Guard with jealous attention the public liberty. Suspect every one who approaches that jewel. Unfortunately, nothing will preserve it but downright force. Whenever you give up that force, you are inevitably ruined. I am answered by gentlemen that, though I may speak of terrors, yet the fact is that we are surrounded by none of the dangers I apprehend. I conceive this new government to be one of those

dangers: it has produced those horrors which distress many of our best citizens. We are come hither to preserve the poor commonwealth of Virginia, if it can be possibly done: something must be done to preserve your liberty and mine. The Confederation, this same despised government, merits in my opinion the highest encomium: it carried us through a long and dangerous war; it rendered us victorious in that bloody conflict with a powerful nation; it has secured us a territory greater than any European monarch possesses; and shall a government which has been thus strong and vigorous be accused of imbecility, and abandoned for want of energy? Consider what you are about to do, before you part with this government. Take longer time in reckoning things: revolutions like this have happened in almost every country in Europe: similar examples are to be found in ancient Greece and ancient Rome—instances of the people losing their liberty by their own carelessness and the ambition of a few. We are cautioned by the honorable gentleman who presides [Edmund Pendleton] against faction and turbulence. I acknowledge that licentiousness is dangerous, and that it ought to be provided against: I acknowledge also the new form of government may effectually prevent it: yet there is another thing it will as effectually do—it will oppress and ruin the people.

There are sufficient guards placed against sedition and licentiousness; for when power is given to this government to suppress these, or for any other purpose, the language it assumes is clear, express and unequivocal; but when this Constitution speaks of privileges, there is an ambiguity, sir, a fatal ambiguity—an ambiguity which is very astonishing. In the clause under consideration, there is the strangest language that I can conceive. I mean when it says, that there shall not be more representatives than one for every 30,000. Now, sir, how easy is it to evade this privilege? "The number shall not exceed one for every 30,000." This may be satisfied by one representative from each State. Let our numbers be ever so great, this immense continent

may, by this artful expression, be reduced to have but thirteen representatives. I confess this construction is not natural; but the ambiguity of the expression lays a good ground for a quarrel. . . . This possibility of reducing the number to one for each State approximates to probability by that other expression, "but each State shall at least have one representative." . . . I shall be told I am continually afraid: but, sir, I have strong cause of apprehension. In some parts of the plan before you, the great rights of freemen are endangered, in other parts absolutely taken away. How does your trial by jury stand? In civil cases gone—not sufficiently secured in criminal—this best privilege is gone. But we are told that we need not fear because those in power, being our representatives, will not abuse the powers we put in their hands. I am not well versed in history; but I will submit to your recollection, whether liberty has been destroyed most often by the licentiousness of the people, or by the tyranny of rulers. I imagine, sir, you will find the balance on the side of tyranny. Happy will you be if you miss the fate of those nations who, omitting to resist their oppressors, or negligently suffering their liberty to be wrested from them, have groaned under intolerable despotism! Most of the human race are now in this deplorable condition. And those nations who have gone in search of grandeur, power, and splendor, have also fallen a sacrifice, and been the victims of their own folly. While they acquired those visionary blessings, they lost their freedom. My great objection to this government is, that it does not leave us the means of defending our rights, or of waging war against tyrants. It is urged by some gentlemen, that this new plan will bring us an acquisition of strength—an army, and the militia of the States. This is an idea extremely ridiculous: gentlemen can not be in earnest. This acquisition will trample on our fallen liberty. Let my beloved Americans guard against that fatal lethargy that has pervaded the universe. Have

we the means of resisting disciplined armies, when our only defense, the militia, is put into the hands of Congress?

The honorable gentleman said that great danger would ensue if the Convention rose without adopting this system. I ask, Where is that danger? I see none. Other gentlemen have told us, within these walls, that the union is gone—or that the union will be gone. Is not this trifling with the judgment of their fellow-citizens? Till they tell us the grounds of their fears, I will consider them as imaginary. I rose to make inquiry where those dangers were: they could make no answer: I believe I never shall have that answer. Is there a disposition in the people of this country to revolt against the dominion of laws? . . . . Whither is the spirit of America gone? Whither is the genius of America fled? It was but yesterday when our enemies marched in triumph through our country. Yet the people of this country could not be appalled by their pompous armaments: they stopped their career, and victoriously captured them. Where is the peril now, compared to that? Some minds are agitated by foreign alarms. Happily for us, there is no real danger from Europe: that country is engaged in more arduous business: from that quarter, there is no cause of fear: you may sleep in safety forever for them. Where is the danger? If, sir, there was any, I would recur to the American spirit to defend us—that spirit which has enabled us to surmount the greatest difficulties: to that illustrious spirit I address my most fervent prayer to prevent our adopting a system destructive to liberty. Let not gentlemen be told, that it is not safe to reject this government. Wherefore is it not safe? We are told there are dangers, but those dangers are ideal; they can not be demonstrated.

To encourage us to adopt it, they tell us that there is a plain easy way of getting amendments. When I come to contemplate this part, I suppose that I am mad, or that my countrymen are so. The way to amendment is, in my conception, shut. Let us consider this plain easy way. "The

Congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this Constitution; or, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress. . . ." Hence it appears that three-fourths of the States must ultimately agree to any amendments that may be necessary. Let us consider the consequences of this. However uncharitable it may appear, yet I must express my opinion—that the most unworthy characters may get into power and prevent the introduction of amendments. Let us suppose (for the case is supposable, possible, and probable), that you happen to deal these powers to unworthy hands; will they relinquish powers already in their possession, or agree to amendments? Two-thirds of the Congress, or of the State legislatures, are necessary even to propose amendments. If one-third of these be unworthy men, they may prevent the application for amendments; but what is destructive and mischievous is, that three-fourths of the State legislatures, or of the State conventions, must concur in the amendments when proposed! In such numerous bodies, there must necessarily be some designing, bad men. To suppose that so large a number as three-fourths of the States will concur, is to suppose that they will possess genius, intelligence, and integrity, approaching to miraculous. It would, indeed, be miraculous, that they should concur in the same amendments, or even in such as would bear some likeness to one another. For four of the smallest States, that do not collectively contain one-tenth part of the population of the United States, may obstruct the most salutary and necessary amendments. Nay, in these four States, six-tenths of the people may reject these amendments; and suppose that amendments shall be

opposed to amendments (which is highly probable), is it possible that three-fourths can ever agree to the same amendments? A bare majority in these four small States may hinder the adoption of amendments; so that we may fairly and justly conclude, that one-twentieth part of the American people may prevent the removal of the most grievous inconveniences and oppression, by refusing to accede to amendments. A trifling minority may reject the most salutary amendments. Is this an easy mode of securing the public liberty? It is, sir, a most fearful situation, when the most contemptible minority can prevent the alteration of the most oppressive government; for it may, in many respects, prove to be such. Is this the spirit of republicanism? . . . This, sir, is the language of democracy—that a majority of the community have a right to alter their government when found to be oppressive. But how different is the genius of your new Constitution from this! How different from the sentiments of freemen, that a contemptible minority can prevent the good of the majority!

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Let us here call your attention to that part which gives the Congress power "to provide for organizing, arming, and discipling the militia, and for governing such part of them as may be employed in the service of the United States—reserving to the States respectively the appointment of the officers, and the authority of training the militia, according to the discipline prescribed by Congress." By this, sir, you see that their control over our last and best defense is unlimited. If they neglect or refuse to discipline or arm our militia, they will be useless: the States can do neither, this power being exclusively given to Congress. The power of appointing officers over men not disciplined or armed is ridiculous; so that this pretended little remnant of power left to the States may, at the pleasure of Congress, be rendered nugatory. Our situation will be deplorable indeed: nor can we ever expect to get this government amended; since I have already shown that a very small minority may

prevent it, and that small minority interested in the continuance of the oppression. Will the oppressor let go the oppressed? Was there ever an instance? Can the annals of mankind exhibit one single example where rulers, overcharged with power, willingly let go the oppressed, though solicited and requested most earnestly? The application for amendments will therefore be fruitless. Sometimes the oppressed have got loose by one of those bloody struggles that desolate a country; but a willing relinquishment of power is one of those things which human nature never was, nor ever will be, capable of.

The honorable gentleman's observations respecting the people's right of being the agents in the formation of this government, are not accurate, in my humble conception. The distinction between a national government and a confederacy is not sufficiently discerned. Had the delegates, who were sent to Philadelphia, a power to propose a consolidated government instead of a confederacy? Were they not deputed by States, and not by the people? The assent of the people, in their collective capacity, is not necessary to the formation of a federal government. The people have no right to enter into leagues, alliances, or confederations: they are not the proper agents for this purpose. States and sovereign powers are the only proper agents for this kind of government. Show me an instance where the people have exercised this business. Has it not always gone through the legislatures? I refer you to the treaties with France, Holland, and other nations. How were they made? Were they not made by the States? Are the people, therefore, in their aggregate capacity, the proper persons to form a confederacy? This, therefore, ought to depend on the consent of the legislatures, the people having never sent delegates to make any proposition of changing the government. Yet I must say, at the same time, that it was made on the ground the most pure; and perhaps I might have been brought to consent to it, so far as to the change of government. But there is one thing in it which I never would acquiesce in. I mean, the

changing it into a consolidated government, which is so abhorrent to my mind.

. . . If we admit this consolidated government, it will be because we like a great and splendid one. Some way or other we must be a great and mighty empire: we must have an army, and a navy, and a number of things. When the American spirit was in its youth, the language of America was different: liberty, sir, was then the primary object. We are descended from a people whose government was founded on liberty: our glorious forefathers of Great Britain made liberty the foundation of everything. That country is become a great, mighty, and splendid nation; not because their government is strong and energetic, but, sir, because liberty is its direct end and foundation. We drew the spirit of liberty from our British ancestors: by that spirit we have triumphed over every difficulty. But now, sir, the American spirit, assisted by the ropes and chains of consolidation, is about to convert this country into a powerful and mighty empire. If you make the citizens of this country agree to become the subjects of one great consolidated empire of America, your government will not have sufficient energy to keep them together. Such a government is incompatible with the genius of republicanism. There will be no checks, no real balances, in this government. What can avail your specious, imaginary balances; your rope-dancing, chain-rattling, ridiculous, ideal checks and contrivances? But, sir, we are not feared by foreigners: we do not make nations tremble. Would this constitute happiness, or secure liberty? I trust, sir, our political hemisphere will ever direct its operations to the security of those objects. . . .

When I thus profess myself an advocate for the liberty of the people, I shall be told I am a designing man, that I am to be a great man, that I am to be a demagogue; and many similar illiberal insinuations will be thrown out: but, sir, conscious rectitude outweighs these things with me. I see great jeopardy in this new government: I see none from our present one. I hope some gentleman or other will bring

forth, in full array, those dangers, if there be any, that we may see and touch them.

I have said that I thought this a consolidated government: I will now prove it. Will the great rights of the people be secured by this government? Suppose it should prove oppressive; how can it be altered? Our Bill of Rights declares, "that a majority of the community hath an indubitable, unalienable, and indefeasible right to reform, alter or abolish it, in such manner as shall be judged most conducive to the public weal." I have just proved, that one-tenth, or less, of the people of America—a most despicable minority—may prevent this reform, or alteration. Suppose the people of Virginia should wish to alter their government; can a majority of them do it? No, because they are connected with other men; or, in other words, consolidated with other States. When the people of Virginia, at a future day, shall wish to alter their government, though they should be unanimous in this desire, yet they may be prevented therefrom by a despicable minority at the extremity of the United States. The founders of your own constitution made your government changeable; but the power of changing it is gone from you! Whither is it gone? It is placed in the same hands that hold the rights of twelve other States; and those who hold those rights have right and power to keep them. It is not the particular government of Virginia: one of the leading features of that government is, that a majority can alter it, when necessary for the public good. This government is not a Virginian, but an American government. Is it not therefore a consolidated government? The sixth clause of your Bill of Rights tells you, "that elections of members to serve as representatives of the people in assembly, ought to be free, and that all men having sufficient evidence of permanent common interest with and attachment to the community, have the right of suffrage, and can not be *taxed* or deprived of their property for public uses, without their own consent, or that of their representatives so elected, nor bound by any law to

which they have not in like manner assented for the public good." But what does this Constitution say? The clause under consideration gives an unlimited and unbounded power of taxation. Suppose every delegate from Virginia opposes a law laying a tax; what will it avail? They are opposed by a majority: eleven members can destroy their efforts: those feeble ten cannot prevent the passing the most oppressive tax-law; so that, in direct opposition to the spirit and express language of your declaration of rights, you are taxed, not by your own consent, but by people who have no connection with you.

. . . This Constitution can counteract and suspend any of our laws, that contravene its oppressive operation; for they have the power of direct taxation, which suspends our Bill of Rights; and it is expressly provided, that they can make all laws necessary for carrying their powers into execution; and it is declared paramount to the laws and constitutions of the States. Consider how the only remaining defense we have left is destroyed in this manner. Besides the expenses of maintaining the Senate and other house in as much splendor as they please, there is to be a great and mighty President, with very extensive powers—the powers of a king. He is to be supported in extravagant magnificence; so that the whole of our property may be taken by this American government, by laying what taxes they please, giving themselves what salaries they please, and suspending our laws at their pleasure. I might be thought too inquisitive, but I believe I should take up but very little of your time in enumerating the little power that is left to the government of Virginia; for this power is reduced to little or nothing. Their garrisons, magazines, arsenals, and forts, which will be situated in the strongest places within the States,—their ten miles square, with all the fine ornaments of human life, added to their powers, and taken from the States, will reduce the power of the latter to nothing.

The voice of tradition, I trust, will inform posterity of our struggles for freedom. If our descendants be worthy

the name of Americans, they will preserve and hand down to their latest posterity the transactions of the present times; and though I confess my exclamations are not worthy the hearing, they will see that I have done my utmost to preserve their liberty; for I never will give up the power of direct taxation, but for a scourge. I am willing to give it conditionally; that is, after non-compliance with requisitions. I will do more, sir, and what I hope will convince the most skeptical man, that I am a lover of the American Union,—that in case Virginia shall not make punctual payment, the control of our custom houses, and the whole regulation of trade, shall be given to Congress, and that Virginia shall depend on Congress even for passports, till Virginia shall have paid the last farthing and furnished the last soldier. Nay, sir, there is another alternative to which I would consent;—even that they should strike us out of the Union, take away from us all federal privileges, till we comply with federal requisitions; but let it depend upon our own pleasure to pay our money in the most easy manner for our people. Were all the States, more terrible than the mother country, to join against us, I hope Virginia could defend herself; but, sir, the dissolution of the Union is most abhorrent to my mind. The first thing I have at heart is American *liberty;* the second thing is American *union;* and I hope the people of Virginia will endeavor to preserve that union. The increasing population of the Southern States is far greater than that of New England; consequently, in a short time, they will be far more numerous than the people of that country. Consider that, and you will find this State more particularly interested to support American liberty, and not bind our posterity by an improvident relinquishment of our rights. I would give the best security for a punctual compliance with requisitions; but I beseech, gentlemen, at all hazards, not to grant this unlimited power of taxation.

The honorable gentleman has told us that these powers, given to Congress, are accompanied by a judiciary which

will correct all. On examination, you will find this very judiciary oppressively constructed, your jury trial destroyed, and the judges dependent on Congress. In this scheme of energetic government, the people will find two sets of tax gatherers—the State and the Federal sheriffs. This, it seems to me, will produce such dreadful oppression as the people cannot possibly bear. The Federal sheriff may commit what oppression, make what distresses, he pleases, and ruin you with impunity; for how are you to tie his hands? Have you any sufficient decided means of preventing him from sucking your blood by speculations, commissions, and fees? Thus thousands of your people will be most shamefully robbed. Our State sheriffs, those unfeeling blood-suckers, have under the watchful eye of our legislature committed the most horrid and barbarous ravages on our people. It has required the most constant vigilance of the legislature to keep them from totally ruining the people. A repeated succession of laws has been made, to suppress their iniquitous speculations and cruel extortions; and as often has their nefarious ingenuity devised methods of evading the force of those laws: in the struggle, they have generally triumphed over the legislature. It is a fact, that lands have sold for five shillings, which were worth one hundred pounds. If sheriffs, thus immediately under the eye of our State legislature and judiciary, have dared to commit these outrages, what would they not have done if their masters had been at Philadelphia or New York? If they perpetrate the most unwarrantable outrage on your persons or property, you can not get redress on this side of Philadelphia or New York; and how can you get it there? If your domestic avocations could permit you to go thither, there you must appeal to judges sworn to support this Constitution in opposition to that of any State, and who may also be inclined to favor their own officers. When these harpies are aided by excisemen, who may search, at any time, your houses and most secret recesses, will the people bear it? If you think so, you differ from me. Where I

thought there was a possibility of such mischiefs, I would grant power with a niggardly hand; and here there is a strong probability that these oppressions shall actually happen. I may be told, that it is safe to err on that side, because such regulations *may* be made by Congress as shall restrain these officers, and because laws are made by our representatives, and judged by righteous judges; but, sir, as these regulations may be made, so they may not; and many reasons there are to induce a belief that they will not. I shall therefore be an infidel on that point till the day of my death.

The Constitution is said to have beautiful features; but when I come to examine these features, sir, they appear to me horribly frightful. Among other deformities, it has an awful squinting; it squints toward monarchy: and does not this raise indignation in the breast of every true American? Your President may easily become king. Your Senate is so imperfectly constructed that your dearest rights may be sacrificed by what may be a small minority; and a very small minority may continue forever unchangeably this government, although horridly defective. Where are your checks in this government? Your strongholds will be in the hands of your enemies. It is on a supposition that your American governors shall be honest that all the good qualities of this government are founded; but its defective and imperfect construction puts it in their power to perpetuate the worst of mischiefs, should they be bad men. . . .

If your American chief be a man of ambition and abilities, how easy will it be for him to render himself absolute! The army is in his hands, and if he be a man of address it will be attached to him; and it will be the subject of long meditation with him to seize the first auspicious moment to accomplish his design. And, sir, will the American spirit solely relieve you when this happens? I would rather infinitely—and I am sure most of this convention are of the same opinion—have a king, lords, and commons, than a government so replete with such insupportable evils. If we make a king, we may prescribe the rules by which he

shall rule his people, and interpose such checks as shall prevent him from infringing them; but the President, in the field at the head of his army, can prescribe the terms on which he shall reign master, so far that it will puzzle any American ever to get his neck from under the galling yoke. I can not, with patience, think of this idea. If ever he violates the laws, one of two things will happen: he will come at the head of his army to carry everything before him; or he will give bail, or will do what Mr. Chief Justice will order him. If he be guilty, will not the recollection of his crimes teach him to make one bold push for the American throne? Will not the immense difference between being master of everything, and being ignominiously tried and punished, powerfully excite him to make this bold push? But, sir, where is the existing force to punish him? Can he not, at the head of his army, beat down every opposition? Away with your President: we shall have a king: the army will salute him monarch: your militia will leave you, and assist in making him king, and fight against you: and what have you to oppose this force? What will then become of you and your rights? Will not absolute despotism ensue? . . .

What can be more defective than the clause concerning the elections? The control given to Congress over the time, place, and manner of holding elections, will totally destroy the end of suffrage. The elections may be held at one place, and the most inconvenient in the State; or they may be at remote distances from those who have a right of suffrage: hence nine out of ten must either not vote at all, or vote for strangers; for the most influential characters will be applied to, to know who are the most proper to be chosen. I repeat, that the control of Congress over the *manner,* etc., of electing, well warrants this idea. The natural consequence will be, that this democratic branch will possess none of the public confidence; the people will be prejudiced against representatives chosen in such an injudicious manner. The proceedings in the northern con-

clave will be hidden from the yeomanry of this country. We are told that the yeas and nays shall be taken and entered on the journal. This, sir, will avail nothing: it may be locked up in their chests, and concealed forever from the people; for they are not to publish what parts they think require secrecy: they *may* think, and *will* think, the whole requires it.

Another beautiful feature of this Constitution is the publication, from time to time, of the receipts and expenditures of the public money. This expression, *from time to time,* is very indefinite and indeterminate: it may extend to a century. Grant that any of them are wicked; they may squander the public money so as to ruin you, and yet this expression will give you no redress. I say, they may ruin you; for where, sir, is the responsibility? The yeas and nays will show you nothing, unless they be fools as well as knaves; for, after having wickedly trampled on the rights of the people, they would act like fools indeed were they to publish and divulge their iniquity, when they have it equally in their power to suppress and conceal it. Where is the responsibility—that leading principle in the British government? In that government, a punishment, certain and inevitable, is provided; but in this there is no real, actual punishment for the grossest mal-administration. They may go without punishment, though they commit the most outrageous violation on our immunities. That paper may tell me they will be punished. I ask, By what law? They must make the law, for there is no existing law to do it. What! will they make a law to punish themselves?

This, sir, is my great objection to the Constitution, that there is no true responsibility, and that the preservation of our liberty depends on the single chance of men being virtuous enough to make laws to punish themselves. In the country from which we are descended, they have real, and not imaginary responsibility; for there mal-administration has cost their heads to some of the most saucy geniuses that ever were. The Senate, by making treaties, may destroy

your liberty and laws for want of responsibility. Two-thirds of those that shall happen to be present can, with the President, make treaties that shall be the supreme law of the land: they may make the most ruinous treaties, and yet there is no punishment for them. Whoever shows me a punishment provided for them will oblige me.

So, sir, nothwithstanding there are eight pillars, they want another. Where will they make another? I trust, sir, the exclusion of the evils wherewith this system is replete, in its present form, will be made a condition precedent to its adoption, by this or any other State. The transition from a general unqualified admission to offices, to a consolidation of government, seems easy; for, though the American States are dissimilar in their structure, this will assimilate them. This, sir, is itself a strong consolidating feature, and is not one of the least dangerous in that system. Nine States are sufficient to establish this government over those nine. Imagine that nine have come into it. Virginia has certain scruples. Suppose she will consequently refuse to join with those States: may not they still continue in friendship and union with her? If she sends her annual requisitions in dollars, do you think their stomachs will be so squeamish as to refuse her dollars? Will they not accept her regiments? They would intimidate you into an inconsiderate adoption, and frighten you with ideal evils, and that the Union shall be dissolved. 'Tis a bugbear, sir: the fact is, sir, that the eight adopting States can hardly stand on their own legs. Public fame tells us, that the adopting States have already heart-burnings and animosity, and repent their precipitate hurry: this, sir, may occasion exceeding great mischief. When I reflect on these and many other circumstances, I must think those States will be found to be in confederacy with us. If we pay our quota of money annually, and furnish our ratable number of men, when necessary, I can see no danger from a rejection.

The history of Switzerland clearly proves, that we might be in amicable alliance with those States, without adopting

this Constitution. Switzerland is a confederacy, consisting of dissimilar governments. This is an example which proves that governments of dissimilar structures may be confederated. That confederate republic has stood upwards of four hundred years; and although several of the individual republics are democratic, and the rest aristocratic, no evil has resulted from this dissimilarity, for they have braved all the power of France and Germany during that long period. The Swiss spirit, sir, has kept them together: they have encountered and overcome immense difficulties with patience and fortitude. In the vicinity of powerful and ambitious monarchs, they have retained their independence, republican simplicity, and valor. . . . Look at the peasants of that country, and of France, and mark the difference. You will find the condition of the former far more desirable and comfortable. No matter whether a people be great, splendid, and powerful, if they enjoy freedom. The Turkish Grand Seignior, alongside of our President, would put us to disgrace; but we should be abundantly consoled for this disgrace, when our citizens have been put in contrast with the Turkish slave.

The most valuable end of government is the liberty of the inhabitants. No possible advantages can compensate for the loss of this privilege. Show me the reason why the American Union is to be dissolved. Who are those eight adopting States? Are they averse to give us a little time to consider, before we conclude? Would such a disposition render a junction with them eligible; or is it the genius of that kind of government to precipitate people hastily into measures of the utmost importance, and grant no indulgence? If it be, sir, is it for us to accede to such a government? We have a right to have time to consider—we shall therefore insist upon it. Unless the government be amended, we can never accept it. The adopting States will doubtless accept our money and our regiments; and what is to be the consequence, if we are disunited? I believe that it is yet doubtful whether it is not proper to stand by a while, and see

the effect of its adoption in other States. In forming a government, the utmost care should be taken to prevent its becoming oppressive; and this government is of such an intricate and complicated nature, that no man on this earth can know its real operation. The other States have no reason to think, from the antecedent conduct of Virginia, that she has any intention of seceding from the Union, or of being less active to support the general welfare. Would they not, therefore, acquiesce in our taking time to deliberate—deliberate whether the measure be not perilous, not only for us, but the adopting States?

Permit me, sir, to say, that a great majority of the people, even in the adopting States, are averse to this government. I believe I would be right to say, that they have been egregiously misled. Pennsylvania has *perhaps* been tricked into it. If the other States who have adopted it have not been tricked, still they were too much hurried into its adoption. There were very respectable minorities in several of them; and if reports be true a clear majority of the people are averse to it. If we also accede, and it should prove grievous, the peace and prosperity of our country, which we all love, will be destroyed. This government has not the affection of the people at present. Should it be oppressive, their affection will be totally estranged from it; and, sir, you know that a government, without their affections, can neither be durable nor happy. I speak as one poor individual; but when I speak, I speak the language of thousands. But, sir, I mean not to breathe the spirit nor utter the language of secession.

I have trespassed so long on your patience, I am really concerned that I have something yet to say. The honorable member has said that we shall be properly represented. Remember, sir, that the number of our representatives is but ten, whereof six are a majority. Will those men be possessed of sufficient information? A particular knowledge of particular districts will not suffice. They must be well acquainted with agriculture, commerce, and a great

variety of other matters throughout the continent; they must know not only the actual state of nations in Europe and America, the situation of their farmers, cottagers, and mechanics, but also the relative situation and intercourse of those nations. Virginia is as large as England. Our proportion of representatives is but ten men. In England, they have five hundred and thirty. The House of Commons in England, numerous as they are, we are told, is bribed, and have bartered away the rights of their constituents. What then shall become of us? Will these few protect our rights? Will they be incorruptible? You say they will be better men than the English commoners. I say they will be infinitely worse men, because they are to be chosen blindfolded: their election (the term, as applied to their appointment, is inaccurate) will be an involuntary nomination, and not a choice.

I have, I fear, fatigued the committee, yet I have not said the one hundred thousandth part of what I have on my mind, and wish to impart. On this occasion, I conceived myself bound to attend strictly to the interest of the State; and I thought her dearest rights at sake. Having lived so long—been so much honored—my efforts, though small, are due to my country. I have found my mind hurried on from subject to subject, on this very great occasion. We have all been out of order, from the gentleman who opened to-day, to myself. I did not come prepared to speak on so multifarious a subject, in so general a manner. I trust you will indulge me another time. Before you abandon the present system, I hope you will consider not only its defects, most maturely, but likewise those of that which you are to substitute for it. May you be fully apprised of the dangers of the latter, not by fatal experience, but by some abler advocate than I!

8. JAMES MADISON, of Virginia.—FOR THE FEDERAL CONSTITUTION

(In the Virginia Convention, at Richmond, June 5, 1788.)

Patrick Henry was answered in the Virginia Convention by several men, but by none whose fame as a constitutional thinker and writer ranks higher than that of James Madison. None did more than he to bring about the Federal Convention at Philadelphia, and none more to bring its labors to a successful conclusion; and now in the Virginia Convention no one was so carefully able in exposition of the new Constitution, so minutely unwearying in refutation of the arguments of its opponents. In all Madison spoke some twenty-four times, eight of his speeches being of considerable length.

The speech given below was delivered June 5th, the date of Henry's speech, and immediately followed an able and eloquent address by Governor Edmund Randolph, in which, in spite of the fact that he had refused to sign the Constitution in the Convention at Philadelphia, Randolph now advocated its adoption. Madison spoke in a low tone, and at the beginning the reporter states that he was unable to hear him distinctly. The text of the speech here reproduced is that in Elliot's *Debates*.

James Madison. Born in Virginia, 1751; graduated from the College of New Jersey (Princeton), 1771; served in the Virginia legislature, 1776, 1784, 1785, 1786, and 1797; member of Congress, 1779; of the Annapolis Convention, 1786; of the Federal Convention, 1787; joint author with Hamilton and Jay of "The Federalist," 1787-88; member of the U. S. House of Representatives, 1789-96, where he opposed Federalist measures; Secretary of State, 1801-9; President, 1809-17; died, 1836

[James Madison, in the Virginia Convention, at Richmond, June 5, 1788.]

MR. CHAIRMAN: I shall not attempt to make impressions by any ardent professions of zeal for the public welfare. We know the principles of every man will and ought to be judged, not by his professions and declarations, but by his conduct. By that criterion I mean, in common with every other member, to be judged; and should it prove unfavorable to my reputation, yet it is a criterion from which I will by no means depart. Comparisons have been made between the friends of this Constitution and those who oppose it. Although I disapprove of such comparisons, I trust that in truth, honor, candor and rectitude of motives, the friends of this system, here and in other States, are not inferior to its opponents. But professions of attachment to the public good, and comparisons of parties, ought not to govern or influence us now. We ought, sir, to examine the Constitution on its own merits solely. We are to inquire whether it will promote the public happiness. Its aptitude to produce this desirable object ought to be the exclusive subject of our researches. In this pursuit, we ought not to address our arguments to the feelings and passions, but to those understandings and judgments which were selected by the people of this country to decide this great question, by a calm and rational investigation. I hope that gentlemen, in displaying their abilities on this occasion, instead of giving opinions and making assertions, will condescend to prove and demonstrate, by a fair and regular discussion. It gives me pain to hear gentlemen continually distorting the natural construction of language; for it is sufficient if any human production can stand a fair discussion.

Before I proceed to make some additions to the reasons which have been adduced by my honorable friend over the way, I must take the liberty to make some observations on what was said by another gentleman [Mr. Henry]. He told us that this Constitution ought to be rejected, because it endangered the public liberty, in his opinion, in many in-

stances. Give me leave to make one answer to that observation: let the dangers which this system is supposed to be replete with, be clearly pointed out; if any dangerous and unnecessary powers be given to the general legislature, let them be plainly demonstrated, and let us not rest satisfied with general assertions of dangers without examination. If powers be necessary, apparent danger is not a sufficient reason against conceding them. He has suggested that licentiousness has seldom produced the loss of liberty; but that the tyranny of rulers has almost always effected it. Since the general civilization of mankind, I believe there are more instances of the abridgment of the freedom of the people, by gradual and silent encroachments of those in power, than by violent and sudden usurpations: but on a candid examination of history, we shall find that turbulence, violence, and abuse of power by the majority trampling on the rights of the minority, have produced factions and commotions which, in republics, have more frequently than any other cause produced despotism. If we go over the whole history of ancient and modern republics, we shall find their destruction to have generally resulted from those causes. If we consider the peculiar situation of the United States, and what are the sources of that diversity of sentiment which pervades its inhabitants, we shall find great danger to fear that the same causes may terminate here in the same fatal effects which they produced in those republics. This danger ought to be wisely guarded against. Perhaps, in the progress of this discussion, it will appear that the only possible remedy for those evils, and means of preserving and protecting the principles of republicanism, will be found in that very system which is now exclaimed against as the parent of oppression.

I must confess I have not been able to find his usual consistency in the gentleman's argument on this occasion. He informs us that the people of this country are at perfect repose, that is, every man enjoys the fruits of his labor peaceably and securely, and that every thing is in perfect tran-

quillity and safety. I wish sincerely, sir, this were true. If this be their happy situation, why has every State acknowledged the contrary? Why were deputies from all the States sent to the general convention? Why have complaints of national and individual distresses been echoed and re-echoed throughout the continent? Why has our general government been so shamefully disgraced, and our constitution violated? Wherefore have laws been made to authorize a change, and wherefore are we now assembled here? A federal government is formed for the protection of its individual members. Ours has attacked itself with impunity. Its authority has been disobeyed and despised. I think I perceive a glaring inconsistency in another of his arguments. He complains of this Constitution, because it requires the consent of at least three-fourths of the States to introduce amendments which shall be necessary for the happiness of the people. The assent of so many he urges as too great an obstacle to the admission of salutary amendments, which he strongly insists ought to be at the will of a bare majority: we hear this argument at the very moment we are called upon to assign reasons for proposing a constitution which puts it in the power of nine States to abolish the present inadequate, unsafe, and pernicious Confederation! In the first case, he asserts that a majority ought to have the power of altering the government, when found to be inadequate to the security of public happiness. In the last case, he affirms that even three-fourths of the community have not a right to alter a government, which experience has proved to be subversive of national felicity; nay, that the most necessary and urgent alterations can not be made without the absolute unanimity of all the States! Does not the thirteenth article of the Confederation expressly require, that no alteration shall be made without the unanimous consent of all the States? Could any thing in theory be more perniciously improvident and injudicious than this submission of the will of the majority to the most trifling minority? Have not experience and practice actu-

ally manifested this theoretical inconvenience to be extremely inpolitic? Let me mention one fact, which I conceive must carry conviction to the mind of any one,—the smallest State in the Union has obstructed every attempt to reform the government; that little member has repeatedly disobeyed and counteracted the general authority; nay, has even supplied the enemies of its country with provisions. Twelve States had agreed to certain improvements which were proposed, being thought absolutely necessary to preserve the existence of the general government; but as these improvements, though really indispensable, could not by the Confederation be introduced into it without the consent of every State, the refractory dissent of that little State prevented their adoption. The inconveniences resulting from this requisition of unanimous concurrence in alterations in the Confederation, must be known to every member in this convention; it is therefore needless to remind them of them. Is it not self-evident, that a trifling minority ought not to bind the majority? Would not foreign influence be exerted with facility over a small minority? Would the honorable gentleman agree to continue the most radical defects in the old system, because the petty State of Rhode Island would not agree to remove them?

He next objects to the exclusive legislation over the district where the seat of the government may be fixed. Would he submit that the representatives of this State should carry on their deliberations under the control of any one member of the Union? If any State had the power of legislation over the place where Congress should fix the general government, this would impair the dignity and hazard the safety of Congress. If the safety of the Union were under the control of any particular State, would not foreign corruption probably prevail in such a State, to induce it to exert its controlling influence over the members of the general government? Gentlemen can not have forgotten the disgraceful insult which Congress received some years ago [in 1783, when some eighty mutinous soldiers drove Con-

gress from Philadelphia]. When we also reflect, that the previous cession of particular States is necessary before Congress can legislate exclusively anywhere, we must, instead of being alarmed at this part, heartily approve of it.

But the honorable member sees great danger in the provision concerning the militia. This I conceive to be an additional security to our liberties, without diminishing the power of the States in any considerable degree; it appears to me so highly expedient, that I should imagine it would have found advocates even in the warmest friends of the present system. The authority of training the militia and appointing the officers is reserved to the States. Congress ought to have the power of establishing a uniform system of discipline throughout the States; and to provide for the execution of the laws, suppress insurrections, and repel invasions. These are the only cases wherein they can interfere with the militia; and the obvious necessity of their having power over them in these cases, must convince any reflecting mind. Without uniformity of discipline, military bodies would be incapable of action; without a general controlling power to call forth the strength of the Union to repel invasions, the country might be overrun, and conquered by foreign enemies. Without such a power to suppress insurrections, our liberties might be destroyed by domestic faction, and domestic tyranny be established.

The honorable member then told us, that there was no instance of power once transferred being voluntarily renounced. Not to produce European examples, which may probably be done before the rising of this convention, have we not seen already in seven States (and probably in an eighth State), legislatures surrendering some of the most important powers they possessed? But, sir, by this government, powers are not given to any particular set of men: they are in the hands of the people—delegated to their representatives chosen for short terms—to representatives responsible to the people, and whose situation is perfectly similar to our own:—as long as this is the case,

we have no danger to apprehend. When the gentleman called our recollection to the usual effects of the concession of powers, and imputed the loss of liberty generally to open tyranny, I wish he had gone on farther. Upon his review of history he would have found, that the loss of liberty very often resulted from factions and divisions; from local considerations, which eternally lead to quarrels: he would have found internal dissensions to have more frequently demolished civil liberty, than a tenacious disposition in rulers to retain any stipulated powers. . . .

The power of raising and supporting armies is exclaimed against, as dangerous and unnecessary. I sincerely wish that there were no necessity for vesting this power in the general government. But suppose a foreign nation to declare war against the United States, must not the general legislature have the power of defending the United States? Ought it to be known to foreign nations that the general government of the United States of America has no power to raise or support an army, even in the utmost danger, when attacked by external enemies? Would not their knowledge of such a circumstance stimulate them to fall upon us? If, sir, Congress be not invested with this power, any powerful nation, prompted by ambition or avarice, will be invited by our weakness to attack us; and such an attack, by disciplined veterans, would certainly be attended with success, when only opposed by irregular, undisciplined militia. Whoever considers the peculiar situation of this country, the multiplicity of its excellent inlets and harbors, and the uncommon facility of attacking it, however much he may regret the necessity of such a power, can not hesitate a moment in granting it. One fact may elucidate this argument. In the course of the late war, when the weak parts of the Union were exposed, and many States were in the most deplorable situation by the enemy's ravages, the assistance of foreign nations was thought so urgently necessary for our protection, that the relinquishment of territorial advantages was not deemed too great a sacrifice for the acquisition of

one ally. This expedient was admitted with great reluctance, even by those States who expected advantages from it. The crisis, however, at length arrived when it was judged necessary for the salvation of this country to make certain cessions to Spain; whether wisely, or otherwise, is not for me to say; but the fact was, that instructions were sent to our representative at the court of Spain, to empower him to enter into negotiations for that purpose. How it terminated is well known. This fact shows the extremities to which nations will recur in cases of imminent danger, and demonstrates the necessity of making ourselves more respectable. The necessity of making dangerous cessions, and of applying to foreign aid, ought to be excluded.

The honorable member then told us, that there are heart-burnings in the adopting States, and that Virginia may, if she does not come into the measure, continue in amicable confederacy with the adopting States. I wish as seldom as possible to contradict the assertions of gentlemen; but I can venture to affirm, without danger of being in an error, that there is the most conclusive evidence that the satisfaction of those States is increasing every day, and that, in that State where it was adopted only by a majority of nineteen [Massachusetts], there is not one-fifth of the people dissatisfied. There are some reasons which induce us to conclude, that the grounds of proselytism extend everywhere; its principles begin to be better understood; and the inflammatory violence, wherewith it was opposed by designing, illiberal, and unthinking minds, begins to subside. I will not enumerate the causes from which, in my conception, the heart-burnings of a majority of its opposers have originated. Suffice it to say, that in all they were founded on a misconception of its nature and tendency. Had it been candidly examined and fairly discussed, I believe, sir, that but a very inconsiderable minority of the people of the United States would have opposed it.

With respect to the Swiss federation, which the honorable gentleman has proposed for our example, as far as histori-

cal authority may be relied upon, we shall find their government quite unworthy of our imitation. I am sure if the honorable member had adverted to their history and government, he never would have quoted their example here. He would have found that, instead of respecting the rights of mankind, their government (at least of several of their cantons) is one of the vilest aristocracies that ever was instituted. The peasants of some of their cantons are more oppressed and degraded than the subjects of any monarch of Europe; nay, almost as much so as those of any eastern despot. It is a novelty in politics, that from the worst of systems the happiest consequences should ensue. Their aristocratical rigor and the peculiarity of their situation have so long supported their union: without the closest alliance and amity, dismemberment might follow; their powerful and ambitious neighbors would immediately avail themselves of their least jarrings. As we are not circumstanced like them, no conclusive precedent can be drawn from their situation. I trust the gentleman does not carry his idea so far as to recommend a separation from the adopting States. This government may secure our happiness; this is at least as probable as that it shall be oppressive. If eight States have, from a persuasion of its policy and utility, adopted it, shall Virginia shrink from it, without a full conviction of its danger and inutility? I hope she will never shrink from any duty: I trust she will not determine without the most serious reflection and deliberation.

I confess to you, sir, were uniformity of religion to be introduced by this system, it would, in my opinion, be ineligible; but I have no reason to conclude that uniformity of government will produce that of religion. This subject is, for the honor of America, perfectly free and unshackled. The government has no jurisdiction over it; the least reflection will convince us there is no danger to be feared on this ground.

But we are flattered with the probability of obtaining

previous amendments. This calls for the most serious attention of this house. If amendments are to be proposed by one State, other States have the same right, and will also propose alterations. These can not but be dissimilar and opposite in their nature. I beg leave to remark, that the governments of the different States are in many respects dissimilar in their structure; their legislative bodies are not similar; their executives are more different. In several of the States, the first magistrate is elected by the people at large; in others, by joint ballot of the members of both branches of the legislature; and in others in other different manners. This dissimilarity has occasioned a diversity of opinion on the theory of government, which will, without many reciprocal concessions, render a concurrence impossible. Although the appointment of an executive magistrate has not been thought destructive to the principles of democracy in many [?any] of the States, yet, in the course of the debate, we find objections made to the Federal executive; it is urged that the President will degenerate into a tyrant. I intended, in compliance with the call of the honorable member, to explain the reasons of proposing this constitution, and develop its principles; but I shall postpone my remarks till we hear the supplement which he has informed us he intends to add to what he has already said.

Give me leave to say something of the nature of the government, and to show that it is safe and just to vest it with the power of taxation. There are a number of opinions; but the principal question is, whether it be a federal or consolidated government. In order to judge properly of the question before us, we must consider it minutely in its principal parts. I conceive myself that it is of a mixed nature; it is in a manner unprecedented; we can not find one express example in the experience of the world. It stands by itself. In some respects it is a government of a federal nature; in others it is of a consolidated nature. Even if we attend to the manner in which the Constitution is investigated, ratified, and made the act of the people of

America, I can say, notwithstanding what the honorable gentleman has alleged, that this government is not completely consolidated nor is it entirely federal. Who are the parties to it? The people—but not the people as composing one great body; but the people as composing thirteen sovereignties. Were it, as the gentleman asserts, a consolidated government, the assent of a majority of the people would be sufficient for its establishment, and as a majority have adopted it already, the remaining States would be bound by the act of the majority, even if they unanimously reprobated it. Were it such a government as is suggested, it would be now binding on the people of this State, without having had the privilege of deliberating upon it; but, sir, no State is bound by it, as it is, without its own consent. Should all the States adopt it, it will be then a government established by the thirteen States of America, not through the intervention of the legislatures, but by the people at large. In this particular respect, the distinction between the existing and proposed governments is very material. The existing system has been derived from the dependent, derivative authority of the legislatures of the States; whereas this is derived from the superior power of the people. If we look at the manner in which alterations are to be made in it, the same idea is in some degree attended to. By the new system, a majority of the States can not introduce amendments; nor are all the States required for that purpose; three-fourths of them must concur in alterations: in this there is a departure from the federal idea. The members to the national House of Representatives are to be chosen by the people at large, in proportion to the numbers in the respective districts. When we come to the Senate, its members are elected by the States in their equal and political capacity; but had the government been completely consolidated, the Senate would have been chosen by the people, in their individual capacity, in the same manner as the members of the other House. Thus, it is of a complicated nature, and this complication, I trust, will be found to

exclude the evils of absolute consolidation, as well as of a mere confederacy. If Virginia was separated from all the States, her power and authority would extend to all cases; in like manner, were all powers vested in the general government, it would be a consolidated government: but the powers of the Federal government are enumerated; it can only operate in certain cases: it has legislative powers on defined and limited objects, beyond which it can not extend its jurisdiction.

But the honorable member has satirized with peculiar acrimony the powers given to the general government by this Constitution. I conceive that the first question on this subject is, whether these powers be necessary; if they be, we are reduced to the dilemma of either submitting to the inconvenience, or losing the Union. Let us consider the most important of these reprobated powers; that of direct taxation is most generally objected to. With respect to the exigencies of government, there is no question but the most easy mode of providing for them will be adopted. When, therefore, direct taxes are not necessary, they will not be recurred to. It can be of little advantage to those in power to raise money in a manner oppressive to the people. To consult the conveniences of the people will cost them nothing, and in many respects will be advantageous to them. Direct taxes will only be recurred to for great purposes. What has brought on other nations those immense debts, under the pressure of which many of them labor? Not the expenses of their governments, but war. If this country should be engaged in war (and I conceive we ought to provide for the possibility of such a case), how would it be carried on? By the usual means provided from year to year? As our imports will be necessary for the expenses of government, and other common exigencies, how are we to carry on the means of defense? How is it possible a war could be supported without money or credit? And would it be possible for government to have credit, without having the power of raising money? No, it would

be impossible for any government, in such a case, to defend itself. Then, I say, sir, that it is necessary to establish funds for extraordinary exigencies, and give this power to the general government; for the utter inutility of previous requisitions on the States is too well known. Would it be possible for those countries, whose finances and revenues are carried to the highest perfection, to carry on the operations of government on great emergencies, such as the maintenance of a war, without an uncontrolled power of raising money? Has it not been necessary for Great Britain, notwithstanding the facility of the collection of her taxes, to have recourse very often to this and other extraordinary methods of procuring money? Would not her public credit have been ruined, if it was known that her power to raise money was limited? Has not France been obliged, on great occasions, to use unusual means to raise funds? It has been the case in many countries, and no government can exist unless its powers extend to make provisions for every contingency. If we were actually attacked by a powerful nation, and our general government had not the power of raising money, but depended solely on requisitions, our condition would be truly deplorable: if the revenues of this commonwealth were to depend on twenty distinct authorities, it would be impossible for it to carry on its operations. This must be obvious to every member here: I think, therefore, that it is necessary for the preservation of the Union that this power should be given to the general government.

But it is urged, that its consolidated nature, joined to the power of direct taxation, will give it a tendency to destroy all subordinate authority; that its increasing influence will speedily enable it to absorb the State governments. I can not think this will be the case. If the general government were wholly independent of the governments of the particular States, then indeed usurpation might be expected to the fullest extent: but, sir, on whom does this general government depend? It derives its authority from

these governments, and from the same sources from which their authority is derived. The members of the Federal government are taken from the same men from whom those of the State legislatures are taken. If we consider the mode in which the Federal representatives will be chosen, we shall be convinced that the general will never destroy the individual governments; and this conviction must be strengthened by an attention to the construction of the Senate. The representatives will be chosen, probably, under the influence of the members of the State legislatures: but there is not the least probability that the election of the latter will be influenced by the former. One hundred and sixty members represent this commonwealth [Virginia] in one branch of the legislature, are drawn from the people at large, and must ever possess more influence than the few men who will be elected to the general legislature. . . . Those who wish to become Federal representatives, must depend on their credit with that class of men who will be the most popular in their counties, who generally represent the people in the State government: they can, therefore, never succeed in any measure contrary to the wishes of those on whom they depend. It is almost certain, therefore, that the deliberations of the members of the Federal House of Representatives will be directed to the interest of the people of America. As to the other branch, the Senators will be appointed by the legislatures, and though elected for six years, I do not conceive they will soon forget the source from whence they derive their political existence. This election of one branch of the Federal by the State legislatures, secures an absolute dependence of the former on the latter. The biennial exclusion of one-third, will lessen the facility of a combination, and may put a stop to intrigues. I appeal to our past experience, whether they will attend to the interests of their constituent States. Have not those gentlemen who have been honored with seats in Congress, *often signalized themselves by their attachment to their seats?* I wish this gov-

ernment may answer the expectation of its friends, and foil the apprehensions of its enemies. I hope the patriotism of the people will continue, and be a sufficient guard to their liberties. I believe its tendency will be, that the State governments will counteract the general interest, and ultimately prevail. The number of the representatives is yet sufficient for our safety, and will gradually increase; and if we consider their different sources of information, the number will not appear too small.

9. ALEXANDER HAMILTON, of New York.—FOR THE FEDERAL CONSTITUTION

(In the New York Convention, at Poughkeepsie, June 20, 1788.)

Because of its geographical position, separating the New England States from those south of it, the action of New York on the Constitution was of prime importance. Against the new plan Governor George Clinton directed "all the weight of his official influence, every local prejudice and interest." The legislature passed the resolution for a State convention by only three votes, and the date set for its meeting was the remote one of July 17, 1788. Pending the assemblying of the convention, a committee of "Federal Republicans" sought unsuccessfully to unite the opposition in the different States in support of the same amendments, with a view to the revision of the Constitution by a second Federal Convention. (Leake, *Life of John Lamb,* p. 306 ff.) Of the delegates chosen to the State convention, 46 were chosen by the party hostile to the Constitution, and 19 by its friends. Robert Yates and John Lansing, who had attended and deserted the Philadelphia Convention, were leaders on the anti-Federalist side in the New York Convention. Chief on the other side were Alexander Ham-

Alexander Hamilton. Born in the British West Indies, 1757; came to America, 1772, where he attended King's College (Columbia University), New York City; enlisted in the Continental army, 1776; appointed on Washington's staff, and became his principal and most confidential aide; admitted to the bar of the New York Supreme Court, 1782; served in Congress, 1782-83; member of the New York Assembly, 1786; of the Federal Convention, 1787; published "The Federalist" with Madison and Jay, 1787-88; member of New York ratifying convention, 1788; first Secretary of the U. S. Treasury, 1789-95; killed in duel with Aaron Burr, 1804.

ilton (who alone of the New York delegates had signed the Constitution), John Jay, and Chancellor Livingston.

In the debates, as in the press discussions preceding the convention, Hamilton was indisputably preeminent; he was "powerful in his reasoning, and so persuasively eloquent and pathetic that he drew tears from most of his audience." (Quoted by J. C. Hamilton, *History of the Republic,* III, p. 521.) The news of New Hampshire's, and then of Virginia's ratification, greatly aided the Federalists; and New York's ratification was finally carried (July 26) by a vote of 30 to 27, with the proposal of 32 amendments for the consideration of Congress.

The reporter who took down the speeches in the Convention was confessedly inexperienced, and the reports of Hamilton's speeches are "bald and inaccurate,"—a defect shared with most reports of that day. The speech given below was delivered June 20th, while the subject of the representation in the lower house of Congress was under discussion.

[Alexander Hamilton, in the New York Convention, at Poughkeepsie, June 20, 1788.]

MR. CHAIRMAN: . . . No arguments drawn from embarrassment or inconvenience ought to prevail upon us to adopt a system of government radically bad; yet it is proper that these arguments, among others, should be brought into view. In doing this, yesterday, it was necessary to reflect upon our situation; to dwell upon the imbecility of our Union; and to consider whether we, as a State, could stand alone. Although I am persuaded this Convention resolved to adopt nothing that is bad, yet I think every prudent man will consider the merits of the plan in connection with the circumstances of our country; and that a rejection of the Constitution may involve most fatal consequences. . . .

Sir, it appears to me extraordinary that while gentlemen in one breath acknowledge that the old Confederation requires many material amendments, they should in the next deny that its defects have been the cause of our political weakness, and the consequent calamities of our country. I can not but infer from this, that there is still some lurking, favorite imagination, that this system, with corrections, might become a safe and permanent one. It is proper that we should examine this matter. We contend that the radical vice in the old Confederation is, that the laws of the Union apply only to States in their corporate capacity. Has not every man who has been in our legislature experienced the truth of this position? It is inseparable from the disposition of bodies who have a constitutional power of resistance, to examine the merits of a law. This has ever been the case with the Federal requisitions. In this examination, not being furnished with those lights which directed the deliberations of the general government, and incapable of embracing the general interests of the Union, the States have almost uniformly weighed the requisitions by their own local interests, and have only executed them so far as answered their particular convenience or advantage. Hence there have ever been thirteen different bodies to judge of the measures of Congress—and the operations of government have been distracted by their taking different courses. Those which were to be benefited have complied with the requisitions; others have totally disregarded them. Have not all of us been witnesses to the unhappy embarrassments which resulted from these proceedings? Even during the late war, while the pressure of common danger connected strongly the bond of our Union, and incited to vigorous exertions, we felt many distressing effects of the impotent system. How have we seen this State, though most exposed to the calamities of the war, complying, in an unexampled manner, with the Federal requisitions, and compelled by the delinquency of others to bear most unusual burdens. Of this truth, we have the most solemn proof

on our records. In 1779 and 1780, when the State, from the ravages of war, and from her great exertions to resist them, became weak, distressed, and forlorn, every man avowed the principle which we now contend for; that our misfortunes, in a great degree, proceeded from the want of vigor in the Continental government. These were our sentiments when we did not speculate, but feel. We saw our weakness, and found ourselves its victims. Let us reflect that this may again, in all probability, be our situation. This is a weak State; and its relative station is dangerous. Your capital is accessible by land, and by sea is exposed to every daring invader; and on the northwest, you are open to the inroads of a powerful foreign nation. Indeed, this State from its situation will, in time of war, probably be the theatre of its operations.

Gentlemen have said that the non-compliance of the States has been occasioned by their sufferings. This may in part be true. But has this State been delinquent? Amidst all our distresses, we have fully complied. If New York could comply wholly with the requisitions, is it not to be supposed that the other States could in part comply? Certainly every State in the Union might have executed them in some degree. But New Hampshire, who has not suffered at all, is totally delinquent; North Carolina is totally delinquent. Many others have contributed in a very small proportion; and Pennsylvania and New York are the only States which have perfectly discharged their Federal duty.

From the delinquency of those States who have suffered little by the war, we naturally conclude that they have made no efforts; and a knowledge of human nature will teach us that their ease and security have been a principal cause of their want of exertion. While danger is distant, its impression is weak, and while it affects only our neighbors, we have few motives to provide against it. Sir, if we have national objects to pursue, we must have national revenues. If you make requisitions and they are not com-

plied with, what is to be done? It has been well observed, that to coerce the States is one of the maddest projects that was ever devised. A failure of compliance will never be confined to a single State. This being the case, can we suppose it wise to hazard a civil war? Suppose Massachusetts, or any large State, should refuse, and Congress should attempt to compel them; would they not have influence to procure assistance, especially from those States who are in the same situation as themselves? What picture does this idea present to our view? A complying State at war with a non-complying State: Congress marching the troops of one State into the bosom of another: this State collecting auxiliaries and forming perhaps a majority against its Federal head. Here is a nation at war with itself. Can any reasonable man be well disposed towards a government which makes war and carnage the only means of supporting itself—a government that can exist only by the sword? Every such war must involve the innocent with the guilty. This single consideration should be sufficient to dispose every peaceable citizen against such a government.

But can we believe that one State will ever suffer itself to be used as an instrument of coercion? The thing is a dream—it is impossible. Then we are brought to the dilemma: either a Federal standing army is to enforce the requisitions, or the Federal treasury is left without supplies, and the government without support. What, sir, is the cure for this great evil? Nothing, but to enable the national laws to operate on individuals, in the same manner as those of the States do. This is the true reasoning of the subject, sir. The gentlemen appear to acknowledge its force; and yet while they yield to the principle, they seem to fear its application to the government.

What then shall we do? Shall we take the old Confederation as the basis of a new system? Can this be the object of the gentlemen? Certainly not. Will any man who entertains a wish for the safety of his country, trust

the sword and the purse with a single assembly organized on principles so defective—so rotten? Though we might give to such a government certain powers with safety, yet to give them the full and unlimited powers of taxation and the national forces, would be to establish a despotism; the definition of which is, a government in which all power is concentrated in a single body. To take the old Confederation and fashion it upon these principles, would be establishing a power which would destroy the liberties of the people. These considerations show clearly that a government totally different must be instituted. They had weight in the Convention which formed the new system. It was seen that the necessary powers were too great to be trusted to a single body: they therefore formed two branches, and divided the powers, that each might be a check upon the other. This was the result of their wisdom; and I presume that every reasonable man will agree to it. The more this subject is explained, the more clear and convincing it will appear to every member of this body. The fundamental principle of the old Confederation is defective; we must totally eradicate and discard this principle before we can expect an efficient government. . . .

In order that the committee may understand clearly the principles on which the general convention acted, I think it necessary to explain some preliminary circumstances.

Sir, the natural situation of this country seems to divide its interests into different classes. There are navigating and non-navigating States: the northern are properly the navigating States; the southern appear to possess neither the means nor the spirit of navigation. This difference of situation naturally produces a dissimilarity of interests and views respecting foreign commerce. It was the interest of the northern States, that there should be no restraints on their navigation, and that they should have full power, by a majority in Congress, to make commercial regulations in favor of their own, and in restraint of the navigation of foreigners. The southern States wished to impose a restraint

on the northern, by requiring that two-thirds in Congress should be requisite to pass an act in regulation of commerce: they were apprehensive that the restraints of a navigation law would discourage foreigners, and by obliging them to employ the shipping of the northern States, would probably enhance their freight. This being the case, they insisted strenuously on having this provision engrafted in the Constitution; and the northern States were as anxious in opposing it. On the other hand, the small States, seeing themselves embraced by the Confederation upon equal terms, wished to retain the advantages which they already possessed: the large States, on the contrary, thought it improper that Rhode Island and Delaware should enjoy an equal suffrage with themselves. From these sources a delicate and difficult contest arose. It became necessary, therefore, to compromise; or the Convention must have dissolved without effecting anything. Would it have been wise and prudent in that body, in this critical situation, to have deserted the country? No. Every man who hears me—every wise man in the United States—would have condemned them. The Convention were obliged to appoint a committee for accommodation. In this committee the arrangement was formed as it now stands; and their report was accepted. It was a delicate point; and it was necessary that all parties should be indulged. Gentlemen will see, that if there had not been unanimity, nothing could have been done: for the Convention had no power to establish, but only to recommend a government. Any other system would have been impracticable. Let a convention be called to-morrow—let them meet twenty times; nay, twenty thousand times: they will have the same difficulties to encounter; the same clashing interests to reconcile.

But, dismissing these reflections, let us consider how far the arrangement is in itself entitled to the approbation of this body. We will examine it upon its own merits.

The first thing objected to is that clause which allows a representation for three-fifths of the negroes. Much has

been said of the impropriety of representing men who have no will of their own. Whether this be reasoning or declamation I will not presume to say. It is the unfortunate situation of the southern States to have a great part of their population, as well as property, in blacks. The regulation complained of was one result of the spirit of accommodation which governed the Convention, and without this indulgence no union could possibly have been formed. But, sir, considering some peculiar advantages which we derive from them, it is entirely just that they should be gratified. The southern States possess certain staples, tobacco, rice, indigo, etc., which must be capital objects in treaties of commerce with foreign nations, and the advantage which they necessarily procure in these treaties will be felt throughout all the States. But the justice of this plan will appear in another view. The best writers on government have held that representation should be compounded of persons and property. This rule has been adopted, as far as it could be, in the constitution of New York. It will, however, by no means be admitted that the slaves are considered altogether as property. They are men, though degraded to the condition of slavery. They are persons known to the municipal laws of the States which they inhabit, as well as to the laws of nature. But representation and taxation go together, and one uniform rule ought to apply to both. Would it be just to compute these slaves in the assessment of taxes, and discard them from the estimate in the apportionment of representatives? Would it be just to impose a singular burden without conferring some adequate advantage?

Another circumstance ought to be considered. The rule we have been speaking of is a general rule, and applies to all the States. Now, you have a great number of people in your State which are not represented at all, and have no voice in your government; these will be included in the enumeration—not two-fifths nor three-fifths, but the whole. This proves that the advantages of the plan are not con-

fined to the southern States, but extend to other parts of the Union.

I now proceed to consider the objection with regard to the number of representatives, as it now stands; I am persuaded the system, in this respect, stands on a better footing than the gentlemen imagine.

It has been asserted that it will be in the power of Congress to reduce the number. I acknowledge that there are no direct words of prohibition. But I contend that the true and genuine construction of the clause gives Congress no power whatever to reduce the representation below the number as it now stands. Although they may limit, they can never diminish the number. One representative for every thirty thousand inhabitants is fixed as the standard of increase till, by the natural course of population, it shall become necessary to limit the ratio. Probably at present, were this standard to be immediately applied, the representation would considerably exceed sixty-five. In three years it would exceed one hundred. If I understand the gentlemen, they contend that the number may be enlarged, or may not. I admit that this is in the discretion of Congress, and I submit to the committee whether it be not necessary and proper. Still, I insist that an immediate limitation is not probable, nor was it in the contemplation of the Convention. But, sir, who will presume to say to what precise point the representation ought to be increased? This is a matter of opinion, and opinions are vastly different upon the subject. A proof of this is drawn from the representations in the State legislatures. In Massachusetts the assembly consists of about three hundred; in South Carolina, of nearly one hundred; in New York there are sixty-five. It is observed generally that the number ought to be large; let the gentlemen produce their criterion. I confess it is difficult for me to say what number may be said to be sufficiently large. On one hand it ought to be considered that a small number will act with more facility, system, and decision; on the other, that a large one may en-

hance the difficulty of corruption. The Congress is to consist, at first, of ninety-one members. This, to a reasonable man, may appear to be as near the proper medium as any number whatever, at least for the present. There is one source of increase, also, which does not depend upon the construction of the Constitution; it is the creation of new States. Vermont, Kentucky, and Franklin [eastern Tennessee, organized by secession from North Carolina in 1784] will probably become independent: new members of the Union will also be formed from the unsettled tracts of western territory. These must be represented, and will all contribute to swell the Federal legislature. If the whole number in the United States be at present three millions, as is commonly supposed, according to the ratio of one for thirty thousand we shall have, on the first census, a hundred representatives. In ten years thirty more will be added, and in twenty-five years the number will double; then, sir, we shall have two hundred, if the increase goes on in the same proportion. The convention of Massachusetts, who made the same objection, have fixed upon this number as the point at which they chose to limit the representation. But can we pronounce with certainty that it will not be expedient to go beyond this number? We can not. Experience alone must determine. This matter may, with more safety, be left to the discretion of the legislature, as it will be the interest of the large and increasing States of Massachusetts, New York, Pennsylvania, etc., to augment the representation. Only Connecticut, Rhode Island, Delaware, and Maryland can be interested in limiting it. We may, therefore, safely calculate upon a growing representation, according to the advance of population and the circumstances of the country.

The State governments possess inherent advantages which will ever give them an influence and ascendency over the national government, and will forever preclude the possibility of Federal encroachments. That their liberties indeed can be subverted by the Federal head is repugnant

to every rule of political calculation. Is not this arrangement then, sir, a most wise and prudent one? Is not the present representation fully adequate to our present exigencies, and sufficient to answer all the purposes of the Union? I am persuaded that an examination of the objects of the Federal government will afford a conclusive answer. . . .

[On the 21st Hamilton continued his remarks as follows:]

When I had the honor to address the committee yesterday, I gave a history of the circumstances which attended the Convention, when forming the plan before us. I endeavored to point out to you the principles of accommodation on which this arrangement was made, and to show that the contending interests of the States led them to establish the representation as it now stands. In the second place, I attempted to prove that, in point of number, the representation would be perfectly secure. Sir, no man agrees more perfectly than myself to the main principle for which the gentlemen contend. I agree that there should be a broad democratic branch in the national legislature. But this matter, sir, depends on circumstances. It is impossible, in the first instance, to be precise and exact with regard to the number, and it is equally impossible to determine to what point it may be proper in future to increase it. On this ground I am disposed to acquiesce. In my reasonings on the subject of government I rely more on the interests and opinions of men than on any speculative parchment provisions whatever. I have found that constitutions are more or less excellent as they are more or less agreeable to the natural operation of things. I am therefore disposed not to dwell long on curious speculations or pay much attention to modes or forms, but to adopt a system whose principles have been sanctioned by experience, adapt it to the real state of our country, and depend on probable reasonings for its operation and result. I contend that sixty-five and twenty-six in two bodies afford perfect security in the present state of things, and that the regular progressive

enlargement, which was in the contemplation of the general Convention, will not leave an apprehension of danger in the most timid and suspicious mind. It will be the interest of the large States to increase the representation. This will be the standing instruction to their delegates. But, say the gentlemen, the members of Congress will be interested not to increase the number, as it will diminish their relative influence. In all their reasoning upon the subject, there seems to be this fallacy: they suppose that the representative will have no motive of action, on the one side, but a sense of duty; or on the other, but corruption. They do not reflect that he is to return to the community; that he is dependent on the will of the people, and that it can not be his interest to oppose their wishes. Sir, the general sense of the people will regulate the conduct of their representatives. I admit that there are exceptions to this rule; there are certain conjunctures when it may be necessary and proper to disregard the opinions which the majority of the people have formed. But in the general course of things, the popular views, and even prejudices, will direct the actions of the rulers.

All governments, even the most despotic, depend in a great degree on opinion. In free republics it is most peculiarly the case. In these, the will of the people makes the essential principle of the government; and the laws which control the community receive their tone and spirit from the public wishes. It is the fortunate situation of our country, that the minds of the people are exceedingly enlightened and refined. Here then we may expect the laws to be proportionally agreeable to the standard of perfect policy; and the wisdom of public measures to consist with the most intimate conformity between the views of the representative and his constituent. If the general voice of the people be for an increase, it must undoubtedly take place. They have it in their power to instruct their representatives; and the State legislatures, which appoint the Senators, may enjoin it also upon them. Sir, if I believed that

the number would remain at sixty-five, I confess I should give my vote for an amendment; though in a different form from the one proposed.

The amendment proposes a ratio of one for twenty thousand. I would ask, by what rule or reasoning it is determined that one man is a better representative for twenty than thirty thousand? At present we have three millions of people; in twenty-five years we shall have six millions; and in forty years, nine millions: and this is a short period, as it relates to the existence of States. Here, then, according to the ratio of one for thirty thousand, we shall have, in forty years, three hundred representatives. If this be true, and if this be a safe representation, why be dissatisfied? Why embarrass the Constitution with amendments that are merely speculative and useless? I agree with the gentleman, that a very small number might give some color for suspicion: I acknowledge that ten would be unsafe; on the other hand, a thousand would be too numerous. But I ask him, why will not ninety-one be an adequate and safe representation? This at present appears to be the proper medium. Besides, the President of the United States will be himself the representative of the people. From the competition that ever exists between the branches of the government, the President will be induced to protect their rights, whenever they are invaded by either branch. On whatever side we view this subject, we discover various and powerful checks to the encroachment of Congress. The true and permanent interests of the members are opposed to corruption: their number is vastly too large for easy combination: the rivalship between the houses will forever prove an insuperable obstacle: the people have an obvious and powerful protection in their State governments. Should anything dangerous be attempted, these bodies of perpetual observation will be capable of forming and conducting plans of regular opposition. Can we suppose the people's love of liberty will not, under the incitement of their legislative leaders, be roused into resistance, and the

madness of tyranny be extinguished at a blow? Sir, the danger is too distant; it is beyond all rational calculation.

It has been observed by an honorable gentleman, that a pure democracy, if it were practicable, would be the most perfect government. Experience has proved that no position in politics is more false than this. The ancient democracies in which the people themselves deliberated never possessed one feature of good government. Their very character was tyranny; their figure deformity. When they assembled, the field of debate presented an ungovernable mob, not only incapable of deliberation, but prepared for every enormity. In these assemblies, the enemies of the people brought forward their plans of ambition systematically. They were opposed by *their* enemies of another party; and it became a matter of contingency, whether the people subjected themselves to be led blindly by one tyrant or by another.

It was remarked yesterday that a numerous representation was necessary to obtain the confidence of the people. This is not generally true. The confidence of the people will easily be gained by a good administration. This is the true touchstone. . . . The popular confidence depends on circumstances very distinct from considerations of number. Probably the public attachment is more strongly secured by a train of prosperous events, which are the result of wise deliberation and vigorous execution, and to which large bodies are much less competent than small ones. If the representative conducts with propriety, he will necessarily enjoy the good will of the constituent. It appears then, if my reasoning be just, that the clause is perfectly proper, upon the principles of the gentleman who contends for the amendment; as there is in it the greatest degree of present security, and a moral certainty of an increase equal to our utmost wishes.

It has been further, by the gentlemen in opposition, observed that a large representation is necessary to understand the interests of the people. This principle is by no

means true, in the extent to which the gentlemen seem to carry it. I would ask, Why may not a man understand the interests of thirty as well as of twenty? The position appears to be made upon the unfounded presumption that all the interests of all parts of the community must be represented. No idea is more erroneous than this. Only such interests are proper to be represented as are involved in the powers of the general government. These interests come completely under the observation of one or a few men; and the requisite information is by no means augmented in proportion to the increase of number. . . . But granting for a moment that this minute and local knowledge the gentlemen contend for is necessary, let us see if, under the new Constitution, it will not probably be found in the representation. The natural and proper mode of holding elections will be to divide the State into districts, in proportion to the number to be elected. This State will consequently be divided, at first, into six. One man from each district will probably possess all the knowledge gentlemen can desire. Are the senators of this State more ignorant of the interests of the people than the assembly? Have they not ever enjoyed their confidence as much? Yet, instead of six districts, they are elected in four; and the chance of their being collected from the smaller divisions of the State consequently diminished. Their number is but twenty-four; and their powers are co-extensive with those of the assembly, and reach objects which are most dear to the people—life, liberty, and property.

Sir, we hear constantly a great deal which is rather calculated to awake our passions, and create prejudices, than to conduct us to the truth, and teach us our real interests. I do not suppose this to be the design of the gentlemen. Why then are we told so often of an aristocracy? For my part, I hardly know the meaning of this word as it is applied. If all we hear be true, this government is really a very bad one. But who are the aristocracy among us? Where do we find men elevated to a perpetual rank above

their fellow-citizens, and possessing powers entirely independent of them? The arguments of the gentlemen only go to prove that there are men who are rich, men who are poor; some who are wise, and others who are not. That indeed every distinguished man is an aristocrat. This reminds me of a description of the aristocrats I have seen in a late publication, styled *The Federal Farmer* [by Richard Henry Lee]. The author reckons in the aristocracy all governors of States, members of Congress, chief magistrates, and all officers of the militia. This description, I presume to say, is ridiculous. The image is a phantom. Does the new government render a rich man more eligible than a poor one? No. It requires no such qualification. It is bottomed on the broad and equal principle of your State constitution.

Sir, if the people have it in their option to elect their most meritorious men, is this to be considered as an objection? Shall the Constitution oppose their wishes, and abridge their most invaluable privilege? While property continues to be pretty equally divided, and a considerable share of information pervades the community, the tendency of the people's suffrages will be to elevate merit even from obscurity. As riches increase and accumulate in few hands, as luxury prevails in society, virtue will be in a greater degree considered as only a graceful appendage of wealth, and the tendency of things will be to depart from the republican standard. This is the real disposition of human nature: it is what neither the honorable member nor myself can correct; it is a common misfortune, that awaits our State constitution, as well as all others.

There is an advantage incident to large districts of election, which perhaps the gentlemen, amidst all their apprehensions of influence and bribery, have not adverted to. In large districts, the corruption of the electors is much more difficult. Combinations for the purposes of intrigue are less easily formed: factions and cabals are little known. In a small district, wealth will have a more complete in-

fluence; because the people in the vicinity of a great man are more immediately his dependents, and because this influence has fewer objects to act upon. It has been remarked, that it would be disagreeable to the middle class of men to go to the seat of the new government. If this be so, the difficulty will be enhanced by the gentleman's proposal. If his argument be true, it proves that the larger the representation is, the less will be your chance of having it filled. But it appears to me frivolous to bring forward such arguments as these. It has answered no other purpose than to induce me, by way of reply, to enter into discussions which I consider as useless, and not applicable to our subject.

It is a harsh doctrine, that men grow wicked in proportion as they improve and enlighten their minds. Experience has by no means justified us in the supposition that there is more virtue in one class of men than in another. Look through the rich and the poor of the community; the learned and the ignorant. Where does virtue predominate? The difference indeed consists not in the quantity, but kind of vices, which are incident to various classes; and here the advantage of character belongs to the wealthy. Their vices are probably more favorable to the prosperity of the State than those of the indigent, and partake less of moral depravity.

After all, sir, we must submit to this idea, that the true principle of a republic is, that the people should choose whom they please to govern them. Representation is imperfect in proportion as the current of popular favor is checked. This great source of free government, popular election, should be perfectly pure, and the most unbounded liberty allowed. Where this principle is adhered to; where, in the organization of the government, the legislative, executive, and judicial branches are rendered distinct; where again the legislative is divided into separate houses, and the operations of each are controlled by various checks and balances, and above all by the vigilance and weight of the State governments; to talk of tyranny, and the sub-

version of our liberties, is to speak the language of enthusiasm. This balance between the National and State governments ought to be dwelt on with peculiar attention, as it is of the utmost importance. It forms a double security to the people. If one encroaches on their rights, they will find a powerful protection in the other. Indeed, they will both be prevented from overpassing their constitutional limits, by a certain rivalship, which will ever subsist between them. I am persuaded, that a firm union is as necessary to perpetuate our liberties, as it is to make us respectable; and experience will probably prove, that the national government will be as natural a guardian of our freedom as the State legislatures themselves.

Suggestions, sir, of an extraordinary nature have been frequently thrown out in the course of the present political controversy. It gives me pain to dwell on topics of this kind, and I wish they might be dismissed. We have been told that the old Confederation has proved inefficacious, only because intriguing and powerful men, aiming at a revolution, have been forever instigating the people and rendering them disaffected with it. This, sir, is a false insinuation. The thing is impossible. I will venture to assert, that no combination of designing men under heaven will be capable of making a government unpopular, which is in its principles a wise and good one, and vigorous in its operations.

The Confederation was framed amidst the agitation and tumult of society. It was composed of unsound materials put together in haste. Men of intelligence discovered the feebleness of the structure, in the first stages of its existence; but the great body of the people, too much engrossed with their distresses to contemplate any but the immediate causes of them, were ignorant of the defects of their constitution. But when the dangers of war were removed, they saw clearly what they had suffered, and what they had yet to suffer, from a feeble form of government. There was no need of discerning men to convince the peo-

ple of their unhappy situation; the complaint was co-extensive with the evil, and both were common to all classes of the community. We have been told that the spirit of patriotism and love of liberty are almost extinguished among the people, and that it has become a prevailing doctrine that republican principles ought to be hooted out of the world. Sir, I am confident that such remarks as these are rather occasioned by the heat of argument than by a cool conviction of their truth and justice. As far as my experience has extended, I have heard no such doctrine, nor have I discovered any diminution of regard for those rights and liberties, in defense of which the people have fought and suffered. There have been, undoubtedly, some men who have had speculative doubts on the subject of government; but the principles of republicanism are founded on too firm a basis to be shaken by a few speculative and skeptical reasoners. Our error has been of a very different kind. We have erred through excess of caution, and a zeal false and impracticable. Our counsels have been destitute of consistency and stability. I am flattered with a hope, sir, that we have now found a cure for the evils under which we have so long labored. I trust that the proposed Constitution affords a genuine specimen of representative and republican government, and that it will answer, in an eminent degree, all the beneficial purposes of society.

III

National Government Established

When our forefathers framed and ratified the Federal Constitution they merely forged the mechanism of a government. The setting it up, the adjustment of part to part, and establishing the orderly working of the whole in just relation to the State governments, was the task of the next period following.

The Constitution as adopted might lend itself to a mere confederation of almost sovereign States, or it might in operation develop a truly national government, leaving only subordinate spheres to the States. In tone it might prove either aristocratic or democratic: dominated by the well-born, educated and wealthy few, or by the hard-working, ill-educated, undistinguished many. If the Federalist policy embodied in the Alien and Sedition laws of 1798 had prevailed, it might have proved a government subversive of the rights of free speech, and public meeting; while the success of the Whisky Rebellion of 1794 would have meant the triumph of a personal liberty which spelled anarchy.

That the government was guided into that middle way in which national efficiency was achieved while States' rights were not unduly sacrificed, was largely the result of the opposing influences exerted by Hamilton and Jefferson —the one the champion of a strong, efficient, aristocratic government; the other the ardent advocate of democratic equality. In part also, this result was due to the logical,

statesmanlike, organizing genius of John Marshall, Chief Justice of the Supreme Court, whose decisions from 1801 to 1835 gave a strongly national bent to constitutional interpretation and legislation.

Much also was due to social and political changes which developed a sentiment of nationality among the people, and prepared them for the acceptance of the more national cast which was being given to the Federal government. Among these changes must be noted: (1) the westward advance of settlement and the formation of new States under the sanction of the National government; (2) the influx of foreign immigrants, who were without sentimental attachments to the separate States; and (3) improvements in the means of communication, through the construction of turnpikes and the National Road, through canal building and the later growth of railways, and through the invention of the steamboat, which made rivers and lakes usable as never before for purposes of travel and traffic. The influence of (4) the foreign relations of the United States on the development of a national sentiment was also important; for out of the War of 1812 came the ending of the intellectual and political dependence of the United States on Europe, which for a score of years had made our politics an echo of the strife between France and England.

It is not possible, even if space permitted, to illustrate all these developments in oratorical selections. The great discussions which fixed the interpretation of the Constitution on the basis of a broad construction of the powers granted, are to be found mainly in Supreme Court decisions and other state papers. A full setting forth of the relations of the Federal government to the State governments would require the inclusion of the Virginia and Kentucky Resolutions, which are not properly oratorical. So, too, with other aspects. It will be found, however, that

much has been here included. Fisher Ames's speech on the British Treaty, Washington's Farewell Address, and Randolph's speech on War with Great Britain all illustrate the subject of American foreign relations and the resulting divisions in domestic politics. Jefferson's First Inaugural sets forth the ideals of the rising democratic party. Pinkney's speech on the Missouri Compromise shows the opposing schools of constitutional interpretation, and the threatening dangers of Slavery. Finally, in Webster's reply to Hayne we have one of the greatest and noblest expressions of the developed sense of nationality—the chief fruit of this period,—together with a masterly refutation of the theory of nullification, to which the South had been brought by discontent with the Northern policy of developing economic independence of Europe through the means of a protective tariff.

Among the books of most value for the study of this period are the following volumes in the series entitled *The American Nation, a History:* Bassett's *The Federalist System;* Channing's *The Jeffersonian System;* Babcock's *Rise of American Nationality;* Turner's *Rise of the New West;* McDonald's *Jacksonian Democracy.* The most comprehensive and valuable account of the period from 1801 to 1817 is in Henry Adams's *History of the United States During the Administrations of Jefferson and Madison* (9 vols.). Other standard histories are Schouler's *United States,* Vols. I-III; McMaster's *United States,* Vols. II-V; Wilson's *American People,* Vol. III. The following are excellent short books: Hart's *Formation of the Union;* Walker's *Making of the Nation.* Among biographies we should note Lodge's *Hamilton* and *Washington;* Morse's *Jefferson* and Schouler's *Jefferson;* Magruder's *Marshall;* Adams's *John Randolph;* Schurz's *Clay;* Von Holst's *Calhoun;* Curtis's *Webster,* and Lodge's *Webster.*

10. FISHER AMES, of Massachusetts.—THE BRITISH TREATY

(Delivered in the U. S. House of Representatives, at New York, April 28, 1796.)

During Washington's first administration, the questions which occupied attention were almost exclusively such as sprung naturally from the attempt to put in operation a hitherto untried form of government. Its various branches were organized, the powers given were liberally interpreted, and upon the Treasury policies adopted under Hamilton the people divided into rival political parties. In Washington's second administration the outbreak of war between revolutionary France and Great Britain made foreign relations the chief question, and embittered the already strained party relations by new appeals to opposing sympathies, prejudices, and interests.

In Congress party differences manifested themselves especially in the struggle over the British Treaty of 1794. Great Britain's failure to evacuate the Western posts in accordance with the treaty of 1783, her aggressions upon American neutral trade, and her impressment of American seamen for her navy, brought the two countries to the verge of war. In a last effort to settle their differences and maintain peace Washington nominated Chief Justice Jay as a special envoy to England. By the treaty which

Fisher Ames. Born in Massachusetts, 1758; graduated from Harvard College, 1774; admitted to the bar, 1781; member of Massachusetts State Legislature, 1788; member of Congress, 1789–97, retiring on account of ill-health; for the same reason declined the presidency of Harvard College, 1804; died, 1808.

Jay concluded in 1794, the questions of the northeast boundary, the damages due British merchants from the United States because of State laws obstructing the collection of pre-Revolutionary debts, and those due American merchants and shippers because of illegal seizures by British cruisers, were referred to separate commissions for settlement. In addition a commercial treaty for twelve years admitted American vessels to a limited participation in the trade with the British East and West Indies. No compensation, however, was secured for the 3,000 negro slaves carried off by British troops at the close of the war, and no understanding was reached on the subject of impressment. But on the whole, the treaty was distinctly favorable to the United States, and, as Jay said, there was "no reason to believe or conjecture that one more favorable to us was attainable." Nevertheless the treaty was strongly opposed, both among the people, in the Senate (where a bare constitutional majority in its favor was secured), and later in the House of Representatives.

In the House the question was introduced early in 1796, through the need of making appropriations to carry out the treaty provisions. The question of the constitutional relation of the House to the treaty-making power was injected into the debate through resolutions moved by Blount of North Carolina. These declared that "the House of Representatives do not claim any agency in making treaties; but that when a treaty stipulates regulations on any of the subjects submitted by the Constitution to the power of Congress, it must depend for its execution as to such stipulations on a law or laws to be passed by Congress, and it is the constitutional right and duty of the House of Representatives, in all such cases, to deliberate on the expediency or inexpediency of carrying such treaty into effect,

and to determine and act thereon as in their judgment may be most conducive to the public good."

After three weeks' debate, the resolution committing the House to the support of the treaty was carried by a majority of but three votes.

Of Fisher Ames, the brilliant New England Federalist whose speech in behalf of the treaty (April 28, 1796) contributed much to this result, a writer in the *American Review* for 1811 gives the following estimate: "Ames is generally concise, always energetic, frequently pointed, though he is also figurative and magnificent. His metaphors and figures are, however, for the most part original, and he is, in my opinion, even more happy than Burke in the use of them. He does not pursue them so far. His genius occasionally blazes out like the lightning of heaven. Its corruscations dazzle the eye, and electrify the nerves. He sees his subject, not only clearly, but with the eye of prophecy and inspiration; and by a single figure,—bold, new, and striking,—brings it before you. It is not merely perceived: it is tangible; it has life and body and substance. In fine, his style, like his thoughts, is original, and his own."

John Adams, in one of his letters, describes the effect produced by Ames's speech. "Judge Iredell and I," he says, "happened to sit together. Our feelings beat in unison. 'My God! how great he is,' says Iredell; 'how great he has been!' 'Noble!' said I. After some time Iredell breaks out, 'Bless my stars! I never heard anything so great since I was born.' 'Divine!' said I; and thus we went on with our interjections, not to say tears, to the end. . . . The situation of the man excited compassion, and interested all hearts in his favor. The ladies wish his soul had a better body." (*Letters of John Adams,* pp. 226-7.)

[Fisher Ames, in the U. S. House of Representatives, at New York, April 28, 1796.]

MR. CHAIRMAN: I entertain the hope, perhaps a rash one, that my strength will hold me out to speak a few minutes.

In my judgment, a right decision will depend more on the temper and manner with which we may prevail upon ourselves to contemplate the subject, than upon the development of any profound political principles, or any remarkable skill in the application of them. . . . Let us not affect to deny the existence and the intrusion of some portion of prejudice and feeling into the debate, when, from the very structure of our nature, we ought to anticipate the circumstance as a probability, and when we are admonished by the evidence of our senses that it is the fact. . . . Every prejudice and feeling has been summoned to listen to some peculiar style of address; and yet we seem to believe, and to consider a doubt as an affront, that we are strangers to any influence but that of unbiased reason.

It would be strange, that a subject, which has roused in turn all the passions of the country, should be discussed without the interference of any of our own. We are men, and, therefore, not exempt from those passions: as citizens and representatives, we feel the interests that must excite them. The hazard of great interests can not fail to agitate strong passions. We are not disinterested; it is impossible we should be dispassionate. The warmth of such feelings may becloud the judgment, and for a time pervert the understanding. But the public sensibility, and our own, has sharpened the spirit of inquiry, and given an animation to the debate. The public attention has been quickened to mark the progress of the discussion, and its judgment, often hasty and erroneous on first impressions, has become solid and enlightened at last. Our result will, I hope, on that account be the safer and more mature, as well as more accordant with that of the nation. . . .

But an attempt has been made to produce an influence

of a nature more stubborn, and more unfriendly to truth. It is very unfairly pretended, that the constitutional right of this house is at stake, and to be asserted and preserved only by a vote in the negative. We hear it said, that this is a struggle for liberty, a manly resistance against the design to nullify this assembly and to make it a cipher in the government; that the President and Senate, the numerous meetings in the cities, and the influence of the general alarm of the country, are the agents and instruments of a scheme of coercion and terror, to force the treaty down our throats, though we loathe it, and in spite of the clearest convictions of duty and conscience. . . .

Let me expostulate with gentlemen to admit, if it be only by way of supposition, and for a moment, that it is barely possible they have yielded too suddenly to their alarms for the powers of this house; that the addresses which have been made with such variety of forms, and with so great dexterity in some of them, to all that is prejudice and passion in the heart, are either the effects or the instruments of artifice and deception, and then let them see the subject once more in its singleness and simplicity.

It will be impossible, on taking a fair review of the subject, to justify the passionate appeals that have been made to us to struggle for our liberties and rights, and the solemn exhortations to reject the proposition, said to be concealed in that on your table, to surrender them forever. In spite of this mock solemnity, I demand, if the house will not concur in the measure to execute the treaty, what other course shall we take? How many ways of proceeding lie open before us?

In the nature of things there are but three: we are either to make the treaty, to observe it, or break it. It would be absurd to say we will do neither. If I may repeat a phrase already so much abused, we are under coercion to do one of them, and we have no power, by the exercise of our discretion, to prevent the consequences of a choice.

By refusing to act, we choose. The treaty will be brok-

en and fall to the ground. Where is the fitness, then, of replying to those who urge upon the house the topics of duty and policy, that they attempt to force the treaty down, and to compel this assembly to renounce its discretion, and to degrade itself to the rank of a blind and passive instrument in the hands of the treaty-making power? In case we reject the appropriation, we do not secure any greater liberty of action, we gain no safer shelter than before from the consequences of the decision. Indeed, they are not to be evaded. It is neither just nor manly to complain that the treaty-making power has produced this coercion to act. It is not the art or the despotism of that power—it is the nature of things that compels. Shall we, dreading to become the blind instruments of power, yield ourselves the blinder dupes of mere sounds of imposture? Yet that word, that empty word, *coercion,* has given scope to an eloquence that, one would imagine, could not be tired and did not choose to be quieted.

Let us examine still more in detail the alternatives that are before us, and we shall scarcely fail to see, in still stronger lights, the futility of our apprehensions for the power and liberty of the house.

If, as some have suggested, the thing called a treaty is incomplete—if it has no binding force or obligation—the first question is,—

Will this House complete the instrument, and, by concurring, impart to it that force which it wants?

The doctrine has been avowed that the treaty, though formally ratified by the executive power of both nations, though published as a law for our own by the President's proclamation, is still a mere proposition submitted to this assembly, no way distinguishable, in point of authority or obligation, from a motion for leave to bring in a bill, or any other original act of ordinary legislation. This doctrine, so novel in our country yet so dear to many precisely for the reason that, in the contention for power, victory is always dear, is obviously repugnant to the very terms as

well as the fair interpretation of our own resolutions. We declare, that the treaty-making power is exclusively vested in the President and Senate, and not in this house. Need I say that we fly in the face of that resolution, when we pretend that the acts of that power are not valid until we have concurred in them? It would be nonsense, or worse, to use the language of the most glaring contradiction, and to claim a share in a power which we at the same time disclaim as exclusively vested in other departments.

What can be more strange than to say, that the compacts of the President and Senate with foreign nations are treaties without our agency, and yet those compacts want all power and obligation until they are sanctioned by our concurrence? It is not my design in this place, if at all, to go into the discussion of this part of the subject. I will, at least for the present, take it for granted that this monstrous opinion stands in little need of remark, and if it does lies almost out of the reach of refutation.

But, say those who hide the absurdity under the cover of ambiguous phrases, have we no discretion? and if we have, are we not to make use of it in judging of the expediency or inexpediency of the treaty? Our resolution claims that privilege, and we can not surrender it without equal inconsistency and breach of duty.

If there be any inconsistency in the case, it lies not in making the appropriations for the treaty, but in the resolution itself [Mr. Blount's]. Let us examine it more nearly. A treaty is a bargain between nations, binding in good faith; and what makes a bargain? The assent of the contracting parties. We allow that the treaty power is not in this house; this house has no share in contracting, and is not a party: of consequence, the President and Senate alone may make a treaty that is binding in good faith. We claim, however, say the gentlemen, a right to judge of the expediency of treaties; that is the constitutional province of our discretion. Be it so. What follows? Treaties, when adjudged by us to be inexpedient, fall to the ground,

and the public faith is not hurt! This, incredible and extravagant as it may seem, is asserted. The amount of it, in plainer language, is this—the President and Senate are to make national bargains, and this house has nothing to do in making them. But bad bargains do not bind this house, and, of inevitable consequence, do not bind the nation. When a national bargain called a treaty is made, its binding force does not depend upon the making, but upon our opinion that it is good. As our opinion on the matter can be known and declared only by ourselves, when sitting in our legislative capacity, the treaty, though ratified, and as we choose to term it made, is hung up in suspense till our sense is ascertained. We condemn the bargain, and it falls, though as we say our faith does not. We approve a bargain as expedient, and it stands firm, and binds the nation. Yet, even in this latter case, its force is plainly not derived from the ratification by the treaty-making power, but from our approbation. Who will trace these inferences, and pretend that we have no share, according to the argument, in the treaty-making power? These opinions, nevertheless, have been advocated with infinite zeal and perseverance. Is it possible that any man can be hardy enough to avow them and their ridiculous consequences?

Let me hasten to suppose the treaty is considered as already made, and then the alternative is fairly presented to the mind, *Whether we will observe the treaty,* or break it. This, in fact, is the naked question.

If we choose to observe it with good faith, our course is obvious. Whatever is stipulated to be done by the nation, must be complied with. Our agency, if it should be requisite, can not be properly refused. And I do not see why it is not as obligatory a rule of conduct for the legislative as for the courts of law.

I can not lose this opportunity to remark that the coercion so much dreaded and declaimed against, appears at length to be no more than the authority of principles, the despotism of duty. Gentlemen complain we are forced to act

in this way; we are forced to swallow the treaty. It is very true, unless we claim the liberty of abuse, the right to act as we ought not. There is but one right way open for us; the laws of morality and good faith have fenced up every other. What sort of liberty is that which we presume to exercise against the authority of those laws? It is for tyrants to complain that principles are restraints, and that they have no liberty so long as their despotism has limits. These principles will be unfolded by examining the remaining question:

Shall we break the treaty?

The treaty is bad, fatally bad, is the cry. It sacrifices the interest, the honor, the independence of the United States, and the faith of our engagements to France. If we listen to the clamor of party intemperance, the evils are of a number not to be counted, and of a nature not to be borne, even in idea. The language of passion and exaggeration may silence that of sober reason in other places; it has not done it here. The question here is, whether the treaty be really so very fatal as to oblige the nation to break its faith. I admit that such a treaty ought not to be executed. I admit that self-preservation is the first law of society, as well as of individuals. It would, perhaps, be deemed an abuse of terms to call that a treaty which violates such a principle. I waive also, for the present, any inquiry, what departments shall represent the nation and annul the stipulations of a treaty. I content myself with pursuing the inquiry, Whether the nature of this compact be such as to justify our refusal to carry it into effect. A treaty is the promise of a nation. Now, promises do not always bind him that makes them.

But I lay down two rules, which ought to guide us in this case. The treaty must appear to be bad, not merely in the petty details, but in its character, principle, and mass. And in the next place, this ought to be ascertained by the decided and general concurrence of the enlightened public. I confess there seems to be something very like ridicule

thrown over the debate by the discussion of the articles in detail.

The undecided point is, Shall we break our faith? And while our country and enlightened Europe await the issue with more than curiosity, we are employed to gather piecemeal, and article by article from the instrument, a justification for the deed by trivial calculations of commercial profit and loss. This is little worthy of the subject, of this body, or of the nation. If the treaty is bad, it will appear to be so in its mass. Evil to a fatal extreme, if that be its tendency, requires no proof; it brings it. Extremes speak for themselves, and make their own law. What if the direct voyage of American ships to Jamaica, with horses or lumber, might net one or two *per centum* more than the present trade to Surinam; would the proof of the fact avail anything in so grave a question as the violation of the public engagements?

It is in vain to allege that our faith, plighted to France, is violated by this new treaty. Our prior treaties are expressly saved from the operation of the British treaty. And what do those mean who say that our honor was forfeited by treating at all, and especially by such a treaty? Justice, the laws and practice of nations, a just regard for peace as a duty to mankind, and the known wish of our citizens, as well as that self-respect which required it of the nation to act with dignity and moderation—all these forbade an appeal to arms before we had tried the effect of negotiation. The honor of the United States was saved, not forfeited, by treating. The treaty itself, by its stipulations for the posts, for indemnity, and for a due observation of our neutral rights, has justly raised the character of the nation. Never did the name of American appear in Europe with more lustre than upon the event of ratifying this instrument. The fact is of a nature to overcome all contradiction.

But the independence of the country—we are colonists again! This is the cry of the very men who tell us that

France will resent our exercise of the rights of an independent nation to adjust our wrongs with an aggressor, without giving her the opportunity to say those wrongs shall subsist and shall not be adjusted. This is an admirable specimen of the spirit of independence. The treaty with Great Britain, it can not be denied, is unfavorable to this strange sort of independence.

Few men of any reputation for sense, among those who say the treaty is bad, will put that reputation so much at hazard as to pretend that it is so extremely bad as to warrant and require a violation of the public faith. The proper ground of the controversy, therefore, is really unoccupied by the opposers of the treaty; as the very hinge of the debate is on the point, not of its being good or otherwise, but whether it is intolerably and fatally pernicious. If loose and ignorant declaimers have anywhere asserted the latter idea, it is too extravagant and too solidly refuted to be repeated here. Instead of any attempt to expose it still further, I will say, and I appeal with confidence to the candor of many opposers of the treaty to acknowledge, that if it had been permitted to go into operation silently, like our other treaties, so little alteration of any sort would be made by it in the great mass of our commercial and agricultural concerns, that it would not be generally discovered by its effects to be in force during the term for which it was contracted. I place considerable reliance on the weight men of candor will give to this remark, because I believe it to be true, and little short of undeniable. When the panic dread of the treaty shall cease, as it certainly must, it will be seen through another medium. Those who shall make search into the articles for the cause of their alarms, will be so far from finding stipulations that will operate fatally, they will discover few of them that will have any lasting operation at all. Those which relate to the disputes between the two countries will spend their force upon the subjects in dispute and extinguish them. The commercial articles are more of a nature to confirm

the existing state of things than to change it. The treaty alarm was purely an address to the imagination and prejudices of the citizens, and not on that account the less formidable. Objections that proceed upon error, in fact or calculation, may be traced and exposed; but such as are drawn from the imagination or addressed to it, elude definition and return to domineer over the mind after having been banished from it by truth.

I will not so far abuse the momentary strength that is lent to me by the zeal of the occasion, as to enlarge upon the commercial operation of the treaty. I proceed to the second proposition, which I have stated as indispensably requisite to a refusal of the performance of a treaty:

Will the state of public opinion justify the deed?

No government, not even a despotism, will break its faith without some pretext; and it must be plausible, it must be such as will carry the public opinion along with it. Reasons of policy, if not of morality, dissuade even Turkey and Algiers from breaches of treaty in mere wantonness of perfidy, in open contempt of the reproaches of their subjects. Surely a popular government will not proceed more arbitrarily, as it is more free; nor with less shame or scruple, in proportion as it has better morals. It will not proceed against the faith of treaties at all, unless the strong and decided sense of the nation shall pronounce, not simply that the treaty is not advantageous, but that it ought to be broken and annulled. Such a plain manifestation of the sense of the citizens is indispensably requisite: First, because, if the popular apprehension be not an infallible criterion of the disadvantages of the instrument, their acquiescence in the operation of it is an irrefragable proof that the extreme case does not exist which alone could justify our setting it aside.

In the next place, this approving opinion of the citizens is requisite, as the best preventive of the ill consequences of a measure always so delicate and often so hazardous. Individuals would, in that case at least, attempt to repel

the opprobrium that would be thrown upon Congress by those who will charge it with perfidy. They would give weight to the testimony of facts, and the authority of principles, on which the government would rest its vindication. And if war should ensue upon the violation, our citizens would not be divided from their government, nor the ardor of their courage be chilled by the consciousness of injustice, and the sense of humiliation—that sense which makes those despicable who know they are despised.

I add a third reason, and with me it has a force that no words of mine can augment, That a government, wantonly refusing to fulfil its engagements, is the corrupter of its citizens. Will the laws continue to prevail in the hearts of the people, when the respect that gives them efficacy is withdrawn from the legislators? How shall we punish vice, while we practice it? We have not force, and vain will be our reliance when we have forfeited the resources of opinion. To weaken government and to corrupt morals are effects of a breach of faith not to be prevented; and from effects they become causes, producing with augmented activity more disorder and more corruption: order will be disturbed and the life of the public liberty shortened.

And who, I would inquire, is hardy enough to pretend that the public voice demands the violation of the treaty? The evidence of the sense of the great mass of the nation is often equivocal; but when was it ever manifested with more energy and precision than at the present moment? The voice of the people is raised against the measure of refusing the appropriations. If gentlemen should urge, nevertheless, that all this sound of alarm is a counterfeit expression of the sense of the public, I will proceed to other proofs. If the treaty is ruinous to our commerce, what has blinded the eyes of the merchants and traders? Surely they are not enemies to trade, or ignorant of their own interests. Their sense is not so liable to be mistaken as that of a nation, and they are almost unanimous. The articles, stipulating the redress of our injuries by captures

on the sea, are said to be delusive. By whom is this said? The very men, whose fortunes are staked upon the competency of that redress, say no such thing. They wait with anxious fear lest you should annul that compact on which all their hopes are rested.

Thus we offer proof, little short of absolute demonstration, that the voice of our country is raised not to sanction, but to deprecate the non-performance of our engagements. It is not the nation, it is one and but one branch of the government that proposes to reject them. With this aspect of things, to reject is an act of desperation.

I shall be asked, Why a treaty so good in some articles, and so harmless in others, has met with such unrelenting opposition, and how the clamors against it from New Hampshire to Georgia can be accounted for? The apprehension so extensively diffused, on its first publication, will be vouched as proof, that the treaty is bad, and that the people hold it in abhorrence.

I am not embarrassed to find the answer to this insinuation. Certainly a foresight of its pernicious operation could not have created all the fears that were felt or affected. The alarm spread faster than the publication of the treaty. There were more critics than readers. Besides, as the subject was examined, those fears have subsided.

The movements of passion are quicker than those of the understanding. We are to search for the causes of first impressions not in the articles of this obnoxious and misrepresented instrument, but in the state of the public feeling.

The fervor of the Revolutionary War had not entirely cooled, nor its controversies ceased, before the sensibilities of our citizens were quickened with a tenfold vivacity by a new and extraordinary subject of irritation. One of the two great nations of Europe underwent a change which has attracted all our wonder, and interested all our sympathies. Whatever they did, the zeal of many went with them and often went to excess. These impressions met with much

to inflame, and nothing to restrain them. In our newspapers, in our feasts, and some of our elections, enthusiasm was admitted a merit, a test of patriotism, and that made it contagious. In the opinion of party, we could not love or hate enough. I dare say, in spite of all the obloquy it may provoke, we were extravagant in both. It is my right to avow that passions so impetuous, enthusiasm so wild, could not subsist without disturbing the sober exercise of reason, without putting at risk the peace and precious interests of our country. They were hazarded. I will not exhaust the little breath I have left, to say how much, nor by whom, or by what means they were rescued from the sacrifice. Shall I be called upon to offer my proofs? They are here. They are everywhere. No one has forgotten the proceedings of 1794! No one has forgotten the captures of our vessels, and the imminent danger of war! The nation thirsted not merely for reparation, but vengeance. Suffering such wrongs, and agitated by such resentments, was it in the power of any words of compact, or could any parchment with its seals prevail at once to tranquillize the people? It was impossible. Treaties in England are seldom popular, and least of all when the stipulations of amity succeed to the bitterness of hatred. Even the best treaty, though nothing be refused, will choke resentment but not satisfy it. Every treaty is as sure to disappoint extravagant expectations as to disarm extravagant passions. Of the latter, hatred is one that takes no bribes. They who are animated by the spirit of revenge will not be quieted by the possibility of profit.

Why do they complain, that the West Indies are not laid open? Why do they lament, that any restriction is stipulated on the commerce of the East Indies? Why do they pretend, that if they reject this, and insist upon more, more will be accomplished? Let us be explicit: more would not satisfy. If all was granted, would not a treaty of amity with Great Britain still be obnoxious? Have we not this instant heard it urged against our envoy, that he

was not ardent enough in his hatred of Great Britain? A treaty of amity is condemned because it was not made by a foe, and in the spirit of one. The same gentleman, at the same instant, repeats a very prevailing objection, that no treaty should be made with the enemy of France. No treaty, exclaim others, should be made with a monarch or a despot: there will be no naval security while those sea-robbers domineer on the ocean: their den must be destroyed: that nation must be extirpated!

I like this, sir, because it is sincerity. With feelings such as these, we do not pant for treaties. Such passions seek nothing, and will be content with nothing, but the destruction of their object. If a treaty left King George his island, it would not answer; not if he stipulated to pay rent for it! It has been said, the world ought to rejoice if Britain was sunk in the sea; if where there are now men, and wealth, and laws, and liberty, there was no more than a sandbank for the sea-monsters to fatten on; a space for the storms of the ocean to mingle in conflict.

I object nothing to the good sense or humanity of all this. I yield the point, that this is a proof that the age of reason is in progress. Let it be philanthropy, let it be patriotism, if you will; but it is no indication that any treaty would be approved. The difficulty is not to overcome the objections to the terms; it is to restrain the repugnance to any stipulations of amity with the party.

Having alluded to the rival of Great Britain, I am not unwilling to explain myself: I affect no concealment, and I have practiced none. While those two great nations agitate all Europe with their quarrels, they will both equally desire, and with any chance of success equally endeavor to create an influence in America. Each will exert all its arts to range our strength on its own side. How is this to be effected? Our government is a democratical republic. It will not be disposed to pursue a system of politics in subservience to either France or England, in opposition to the general wishes of the citizens; and if Congress should

adopt such measures, they would not be pursued long nor with much success. From the nature of our government, popularity is the instrument of foreign influence. Without it, all is labor and disappointment. With that mighty auxiliary, foreign intrigue finds agents—not only volunteers, but competitors for employment; and anything like reluctance is understood to be a crime. Has Britain this means of influence? Certainly not! If her gold could buy adherents, their becoming such would deprive them of all political power and importance. They would not wield popularity as a weapon, but would fall under it. Britain has no influence, and for the reasons just given can have none. She has enough; and God forbid she ever should have more. France, possessed of popular enthusiasm, of party attachments, has had and still has too much influence on our politics: any foreign influence is too much, and ought to be destroyed. I detest the man and disdain the spirit that can bend to a mean subserviency to the views of any nation. It is enough to be Americans! That character comprehends our duties, and ought to engross our attachments.

But I would not be misunderstood. I would not break the alliance with France; I would not have the connection between the two countries even a cold one. It should be cordial and sincere; but I would banish that influence which, by acting on the passions of the citizens, may acquire a power over the government.

. . . . . .

Gentlemen have said, with spirit, Whatever the true doctrine of our Constitution may be, Great Britain has no right to complain or to dictate an interpretation. The sense of the American nation, as to the treaty power, is to be received by all foreign nations. This is very true as a maxim; but the fact is against those who vouch it. The sense of the American nation is not as the vote of the house has declared it. Our claim to some agency in giving force and obligation to treaties is, beyond all kind of controversy,

novel. The sense of the nation is probably against it. The sense of the government certainly is. The President denies it on constitutional grounds, and therefore can not ever accede to our interpretation. The Senate ratified the treaty, and can not without dishonor adopt it, as I have attempted to show. Where, then, do they find the proof that this is the American sense of the treaty-making power, which is to silence the murmurs of Great Britain? Is it because a majority of two or three, or at most of four or five, of this house will reject the treaty? Is it thus the sense of our nation is to be recognized? Our government may thus be stopped in its movement: a struggle for power may thus commence, and the event of the conflict may decide who is the victor, and the quiet possessor of the treaty power. But at present it is beyond all credibility that our vote, by a bare majority, should be believed to do anything better than to imbitter our divisions, and to tear up the settled foundations of our departments.

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On every hypothesis, therefore, the conclusion is not to be resisted: we are either to execute this treaty, or break our faith!

To expatiate on the value of public faith may pass with some men for declamation: to such men I have nothing to say. To others I will urge, Can any circumstance mark upon a people more turpitude and debasement? Can anything tend more to make men think themselves mean, or degrade to a lower point their estimation of virtue and their standard of action?

It would not merely demoralize mankind: it tends to break all the ligaments of society, to dissolve that mysterious charm which attracts individuals to the nation, and to inspire in its stead a repulsive sense of shame and disgust.

What is patriotism? Is it a narrow affection for the spot where a man was born? Are the very clods where we tread entitled to this ardent preference because they are greener? No, sir; this is not the character of the

virtue, and it soars higher for its object. It is an extended self-love, mingling with all the enjoyments of life, and twisting itself with the minutest filaments of the heart! It is thus we obey the laws of society, because they are the laws of virtue. In their authority we see, not the array of force and terror, but the venerable image of our country's honor. Every good citizen makes that honor his own, and cherishes it not only as precious, but as sacred. He is willing to risk his life in its defense, and is conscious that he gains protection while he gives it. For what rights of a citizen will be deemed inviolable when a state renounces the principles that constitute their security? Or, if his life should not be invaded, what would its enjoyments be in a country odious in the eyes of strangers and dishonored in his own? Could he look with affection and veneration to such a country as his parent? The sense of having one would die within him; he would blush for his patriotism, if he retained any; and justly, for it would be a vice. He would be a banished man in his native land!

I see no exception to the respect that is paid among nations to the law of good faith. If there are cases in this enlightened period when it is violated, there are none when it is decried. It is the philosophy of politics, the religion of governments. It is observed by barbarians: a whiff of tobacco smoke, or a string of beads, gives not merely binding force, but sanctity to treaties. Even in Algiers, a truce may be bought for money; but when ratified, even Algiers is too wise, or too just, to disown and annul its obligation. Thus we see neither the ignorance of savages, nor the principles of an association for piracy and rapine, permit a nation to despise its engagements. If, sir, there could be a resurrection from the foot of the gallows—if the victims of justice could live again, collect together, and form a society—they would, however loath, soon find themselves obliged to make justice, that justice under which they fell, the fundamental law of their state. They would perceive it was their interest to make others respect, and they would

therefore soon pay some respect themselves, to the obligations of good faith.

It is painful—I hope it is superfluous—to make even the supposition, that America should furnish the occasion of this opprobrium. No: let me not even imagine that a republican government, sprung (as our own is) from a people enlightened and uncorrupted—a government whose origin is right, and whose daily discipline is duty—can, upon solemn debate, make its option to be faithless; can dare to act what despots dare not avow, what our own example evinces, the States of Barbary are unsuspected of. No: let me rather make the supposition, that Great Britain refuses to execute the treaty, after we have done everything to carry it into effect. Is there any language of reproach pungent enough to express your commentary on the fact? What would you say, or rather what would you *not* say? Would you not tell them, wherever an Englishman might travel, shame would stick to him: he would disown his country. You would exclaim, England, proud of your wealth, and arrogant in the possession of power, blush for these distinctions, which become the vehicles of your dishonor! Such a nation might truly say to corruption, Thou art my father, and to the worm, Thou art my mother and my sister! We should say of such a race of men, their name is a heavier burden than their debt.

I can scarcely persuade myself to believe, that the consideration I have suggested requires the aid of any auxiliary; but, unfortunately, auxiliary arguments are at hand. Five millions of dollars, and probably more, on the score of spoliations committed on our commerce, depend upon the treaty. The treaty offers the only prospect of indemnity. Such redress is promised as the merchants place some confidence in. Will you interpose and frustrate that hope; leaving to many families nothing but beggary and despair? It is a smooth proceeding to take a vote in this body: it takes less than half an hour to call the yeas and

nays and reject the treaty. But what is the effect of it? . . .

Will you pay the sufferers out of the treasury? No. The answer was given two years ago, and appears on our journals. Will you give them letters of marque and reprisal to pay themselves by force? No: that is war. Besides, it would be an opportunity for those who have already lost much to lose more. Will you go to war to avenge their injury? If you do, the war will leave you no money to indemnify them. If it should be unsuccessful, you will aggravate existing evils: if successful, your enemy will have no treasure left to give our merchants; the first losses will be confounded with much greater, and be forgotten. At the end of a war there must be a negotiation, which is the very point we have already gained; and why relinquish it? And who will be confident that the terms of the negotiation, after a desolating war, would be more acceptable to another House of Representatives, than the treaty before us? Members and opinions may be so changed that the treaty would then be rejected for being what the present majority say it should be. Whether we shall go on making treaties and refusing to execute them, I know not. Of this I am certain, it will be very difficult to exercise the treaty-making power, on the new principles, with much reputation or advantage to the country.

The refusal of the posts (inevitable if we reject the treaty) is a measure too decisive in its nature to be neutral in its consequences. From great causes we are to look for great effects. A plain and obvious one will be, the price of the western lands will fall. Settlers will not choose to fix their habitation on a field of battle. Those who talk so much of the interest of the United States should calculate how deeply it will be affected by rejecting the treaty; how vast a tract of wild land will almost cease to be property. This loss, let it be observed, will fall upon a fund expressly devoted to sink the national debt. What, then, are we called upon to do? However the form of the

vote and the protestations of many may disguise the proceeding, our resolution is in substance, and it deserves to wear the title of a resolution, to prevent the sale of the western lands and the discharge of the public debt. . . .

If any . . . should maintain that the peace with the Indians will be stable without the posts, to them I will urge another reply. . . . I resort especially to the convictions of the western gentlemen whether, supposing no posts and no treaty, the settlers will remain in security. Can they take it upon them to say that an Indian peace, under these circumstances, will prove firm? No, sir: it will not be peace, but a sword: it will be no better than a lure to draw victims within the reach of the tomahawk.

On this theme, my emotions are unutterable. If I could find words for them—if my powers bore any proportion to my zeal—I would swell my voice to such a note of remonstrance it should reach every log-house beyond the mountains. I would say to the inhabitants: Wake from your false security! Your cruel dangers, your more cruel apprehensions, are soon to be renewed; the wounds, yet unhealed, are to be torn open again; in the day time, your path through the woods will be ambushed; the darkness of midnight will glitter with the blaze of your dwellings. You are a father,—the blood of your sons shall fatten your cornfield: you are a mother,—the war-whoop shall wake the sleep of the cradle! . . .

By rejecting the posts we light the savage fires, we bind the victims. This day we undertake to render account to the widows and orphans whom our decision will make, to the wretches that will be roasted at the stake, to our country, and (I do not deem it too serious to say) to conscience and to God. We are answerable; and if duty be anything more than a word of imposture, if conscience be not a bugbear, we are preparing to make ourselves as wretched as our country.

There is no mistake in this case; there can be none. Experience has already been the prophet of events, and the

cries of our future victims have already reached us. The western inhabitants are not a silent and uncomplaining sacrifice. The voice of humanity issues from the shade of their wilderness: it exclaims that, while one hand is held up to reject this treaty, the other grasps a tomahawk. It summons our imagination to the scenes that will open. It is no great effort of the imagination to conceive that events so near are already begun. I can fancy that I listen to the yells of savage vengeance and the shrieks of torture; already they seem to sigh in the west wind; already they mingle with every echo from the mountains! . . .

Is it possible for a real American to look at the prosperity of this country without some desire for its continuance, without some respect for the measures which many will say produced, and all will confess have preserved it? Will he not feel some dread that a change of system will reverse the scene? The well-grounded fears of our citizens in 1794 were removed by the treaty, but are not forgotten. Then they deemed war nearly inevitable, and would not this adjustment have been considered, at that day, as a happy escape from the calamity? The great interest and the general desire of our people was to enjoy the advantages of neutrality. This instrument, however misrepresented, affords America that inestimable security. The causes of our disputes are either cut up by the roots, or referred to a new negotiation after the end of the European war. This was gaining everything, because it confirmed our neutrality by which our citizens are gaining everything. This alone would justify the engagements of the government. For, when the fiery vapors of the war lowered in the skirts of our horizon, all our wishes were concentered in this one, that we might escape the desolation of the storm. This treaty, like a rainbow on the edge of the cloud, marked to our eyes the space where it was raging, and afforded, at the same time, the sure prognostic of fair weather. If we reject it, the vivid colors will grow

pale; it will be a baleful meteor, portending tempest and war.

Let us not hesitate, then, to agree to the appropriation to carry it into faithful execution. Thus we shall save the faith of our nation, secure its peace, and diffuse the spirit of confidence and enterprise that will augment its prosperity. The progress of wealth and improvement is wonderful, and some will think too rapid. The field for exertion is fruitful and vast, and if peace and good government should be preserved, the acquisitions of our citizens are not so pleasing as the proofs of their industry, as the instruments of their future success. The rewards of exertion go to augment its power. Profit is every hour becoming capital. The vast crop of our neutrality is all seed-wheat, and is sown again to swell almost beyond calculation the future harvest of prosperity. And in this progress, what seems to be fiction is found to fall short of experience.

I rose to speak under impressions that I would have resisted if I could. Those who see me will believe that the reduced state of my health has unfitted me, almost equally for much exertion of body or mind. Unprepared for debate by careful reflection in my retirement, or by long attention here, I thought the resolution I had taken to sit silent was imposed by necessity, and would cost me no effort to maintain. With a mind thus vacant of ideas, and sinking, as I really am, under a sense of weakness, I imagined the very desire of speaking was extinguished by the persuasion that I had nothing to say. Yet when I come to the moment of deciding the vote, I start back with dread from the edge of the pit into which we are plunging. In my view, even the minutes I have spent in expostulation have their value, because they protract the crisis, and the short period in which alone we may resolve to escape it.

I have thus been led by my feelings to speak more at length than I had intended. Yet I have perhaps as little personal interest in the event as any one here. There is, I believe, no member who will not think his chance to be a

witness of the consequences greater than mine. If, however, the vote should pass to reject, and a spirit should rise, as it will, with the public disorders, to make "confusion worse confounded," even I, slender and almost broken as my hold upon life is, may outlive the government and Constitution of my country.

11. GEORGE WASHINGTON, of Virginia.—FAREWELL ADDRESS

(Published September 19, 1796.)

The same year—and in part the same circumstances of party sympathy and antipathy for France and England respectively—that produced Ames's speech on the British treaty, also called forth Washington's Farewell Address.

In no department of our government is the influence of Washington more traceable than in the conduct of foreign affairs. Reared to a life of action rather than of reflection, his talents were essentially those of a man of affairs, and not those of a political theorist. No schemes of government were contributed by him in the Philadelphia Convention: his part was purely one of moral influence. So, too, in the organization of the government under the Constitution, the initiation of the measures needed was left largely to the members of his cabinet.

In the field of foreign affairs, however, where Americans were divided between conflicting opinions, the conservative temperament and sound judgment of Washington eminently fitted him to take the lead. Jefferson, his Secretary of State, though a brilliant theorist on government, was unfitted to mark out a safe foreign policy: his sympathies were too entirely with France; his judgment too

George Washington. Born in Virginia, 1732; in command of a Virginia company against the French, 1754; appointed commander-in-chief of Virginia forces, 1755; member of Continental Congress, 1774; commander-in-chief of the American army, 1775–83; president of the Federal Convention, 1787; President of the United States, 1789–97; died, 1799.

warped by prejudice and passion, and by blind reliance upon the instincts of the people. And where Jefferson erred on one side, Hamilton erred on the other. One was too democratic, the other too aristocratic; one was too French, the other too British. It required a calm judgment and a firm will to keep the balance even, and these were the special traits of Washington.

It is difficult for us to-day to appreciate what it cost Washington in popularity to maintain his policy of "a fair neutrality" between England and France. A republican newspaper in 1796 dared to use this language of him: "If ever a nation was debauched by a man, the American nation has been debauched by Washington. If ever a nation was deceived by a man, the American nation has been deceived by Washington. Let his conduct then be an example to future ages; let it serve to be a warning that no man may be an idol; let the history of the Federal government instruct mankind that the mask of patriotism may be worn to conceal the foulest designs against the liberties of the people."

It was the widespread existence of this blind party spirit, and of divisions based upon partisanship for England or France, which called forth Washington's memorable address, published September 19, 1796. Its composition was largely the work of Hamilton, but its principles are truly Washington's. Interesting information concerning its preparation, with copies of its successive draughts, may be found in Ford, *Writings of George Washington*, Vols. XII and XIII.

[George Washington, Farewell Address, September 19, 1796.]

FRIENDS AND FELLOW CITIZENS: The period for a new election of a citizen to administer the executive government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed, to decline being considered among the number of those out of whom a choice is to be made.

I beg you, at the same time, to do me the justice to be assured that this resolution has not been taken without a strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country; and that in withdrawing the tender of service which silence, in my situation, might imply, I am influenced by no diminution of zeal for your future interest, no deficiency of grateful respect for your past kindness, but am supported by a full conviction that the step is compatible with both.

. . . . . .

Here, perhaps, I ought to stop. But a solicitude for your welfare, which can not end but with my life, and the apprehension of danger, natural to that solicitude, urge me on an occasion like the present to offer to your solemn contemplation, and to recommend to your frequent review, some sentiments which are the result of much reflection, of no inconsiderable observation, and which appear to me all-important to the permanency of your felicity as a people. These will be offered to you with the more freedom, as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel. Nor can I forget, as an encouragement to it, your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament

of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government, which constitutes you one people, is also now dear to you. It is justly so, for it is a main pillar in the edifice of your real independence, the support of your tranquillity at home, your peace abroad, of your safety, of your prosperity, of that very liberty which you so highly prize. But as it is easy to foresee, that from different causes and from different quarters, much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth; as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed: it is of infinite moment that you should properly estimate the immense value of your national union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity, watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can in any event be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens, by birth or choice, of a common country, that country has a right to concentrate your affections. The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have, in a common cause, fought and triumphed together; the independence and liberty you possess, are the

work of joint councils and joint efforts, of common dangers, sufferings, and successes.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest. Here every portion of our country finds the most commanding motives for carefully guarding and preserving the union of the whole.

The *North,* in an unrestrained intercourse with the *South,* protected by the equal laws of a common government, finds in the productions of the latter great additional resources of maritime and commercial enterprise, and precious materials of manufacturing industry. The *South,* in the same intercourse, benefiting by the agency of the *North,* sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the *North,* it finds its particular navigation invigorated; and while it contributes, in different ways, to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength, to which itself is unequally adapted. The *East,* in like intercourse with the *West,* already finds, and in the progressive improvement of interior communications by land and water will more and more find, a valuable vent for the commodities which it brings from abroad or manufactures at home. The *West* derives from the *East* supplies requisite to its growth and comfort, and what is perhaps of still greater consequence, it must of necessity owe the *secure* enjoyment of indispensable *outlets* for its own productions to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as *one nation.* Any other tenure by which the *West* can hold this essential advantage, whether derived from its own separate strength or from an apostate and unnatural connection with any foreign power [Spain], must be intrinsically precarious.

While then every part of our country thus feels an im-

mediate and particular interest in union, all the parts combined can not fail to find in the united mass of means and efforts greater strength, greater resource, proportionably greater security from external danger, a less frequent interruption of their peace by foreign nations; and, what is of inestimable value, they must derive from union an exemption from those broils and wars between themselves which so frequently afflict neighboring countries not tied together by the same government, which their own rivalships alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues, would stimulate and embitter. Hence, likewise, they will avoid the necessity of those overgrown military establishments which, under any form of government, are inauspicious to liberty and which are to be regarded as particularly hostile to republican liberty. In this sense it is that your union ought to be considered as a main prop of your liberty, and that the love of one ought to endear to you the preservation of the other. . . .

In contemplating the causes which may disturb our union, it occurs, as a matter of serious concern, that any ground should have been furnished for characterizing parties by *geographical* discriminations—*Northern* and *Southern, Atlantic* and *Western*—whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts, is to misrepresent the opinions and aims of other districts. You can not shield yourselves too much against the jealousies and heart-burnings which spring from these misrepresentations; they tend to render alien to each other those who ought to be bound together by fraternal affection.

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Toward the preservation of your government and the permanency of your present happy state, it is requisite not only that you speedily discountenance irregular opposition to its acknowledged authority, but also that you resist with

care the spirit of innovation upon its principles, however specious the pretexts. One method of assault may be to effect in the forms of the Constitution alterations which will impair the energy of the system, and thus to undermine what can not be directly overthrown. In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of government as of other human institutions; that experience is the surest standard by which to test the real tendency of the existing constitution of a country; that facility in changes, upon the credit of mere hypothesis and opinion, exposes to perpetual change from the endless variety of hypothesis and opinion. And remember especially that for the efficient management of your common interests, in a country so extensive as ours, a government of as much vigor as is consistent with the perfect security of liberty is indispensable. Liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is, indeed, little else than a name where the government is too feeble to withstand the enterprises of faction, to confine each member of society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the state, with particular reference to the founding of them on geographical discrimination. Let me now take a more comprehensive view, and warn you, in the most solemn manner, against the baneful effects of the spirit of party, generally.

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind. It exists under different shapes, in all governments, more or less stifled, controlled, or repressed. But in those of the popular form, it is seen in its greatest rankness, and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge, natural to party dis-

sensions, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism. But this leads, at length, to a more formal and permanent despotism. The disorders and miseries which result, gradually incline the minds of men to seek security and repose in the absolute power of an individual; and sooner or later the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purposes of his own elevation on the ruins of public liberty. . . .

It serves always to distract the public councils, and enfeeble the public administration. It agitates the community with ill-founded jealousies and false alarms; kindles the animosity of one part against another; foments occasionally riot and insurrection. It opens the door to foreign influence and corruption, which finds a facilitated access to the government itself, through the channels of party passions. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion that parties, in free countries, are useful checks upon the administration of the government, and serve to keep alive the spirit of liberty. This, within certain limits, is probably true; and in governments of a monarchical cast patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency, it is certain there will always be enough of that spirit for every salutary purpose. And there being constant danger of excess, the effort ought to be, by force of public opinion, to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent its bursting into a flame lest, instead of warming, it should consume.

It is important likewise that the habits of thinking, in a free country, should inspire caution in those intrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding in the exercise of

the powers of one department to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power, and proneness to abuse it, which predominate in the human heart, is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power by dividing and distributing it into different depositaries and constituting each the guardian of the public weal against invasion by the other, has been evinced by experiments ancient and modern: some of them in our country, and under our own eyes. To preserve them, must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be, in any particular, wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance, in permanent evil, any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the destinies of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connection with private and public felicity. Let it simply be asked, Where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths, which are the instruments of investigation in courts of justice? And let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the in-

fluence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle. . . .

Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it is essential that public opinion should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible; avoiding occasions of expense by cultivating peace, but remembering also that timely disbursements to prepare for danger, frequently prevent much greater disbursements to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions in time of peace to discharge the debts which unavoidable wars may have occasioned, not ungenerously throwing upon posterity the burden which we ourselves ought to bear. The execution of these maxims belongs to your representatives, but it is necessary that public opinion should co-operate. To facilitate to them the performance of their duty, it is essential that you should practically bear in mind that towards the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment, inseparable from the selection of the proper objects (which is always the choice of difficulties), ought to be a decisive motive for a candid construction of the conduct of the government in making it, and for a spirit of acquiescence in the measures for obtaining revenue which the public exigencies may at any time dictate.

Observe good faith and justice towards all nations; cultivate peace and harmony with all. Religion and morality enjoin this conduct; and can it be that good policy does not

equally enjoin it? It will be worthy of a free, enlightened and, at no distant period, a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt that, in the course of time and things, the fruits of such a plan would richly repay any temporary advantages that might be lost by a steady adherence to it? Can it be, that Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vices?

In the execution of such a plan, nothing is more essential than that permanent, inveterate antipathies against particular nations, and passionate attachments for others, should be excluded; and that in place of them, just and amicable feelings towards all should be cultivated. The nation which indulges towards another an habitual hatred, or an habitual fondness, is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another, disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable, when accidental or trifling occasions of dispute occur.

Hence frequent collisions, obstinate, envenomed and bloody contests. The nation, prompted by ill will and resentment, sometimes impels to war the government, contrary to the best calculations of policy. The government sometimes participates in the national propensity, and adopts through passion what reason would reject; at other times, it makes the animosity of the nation subservient to projects of hostility instigated by pride, ambition and other sinister and pernicious motives. The peace often, and sometimes perhaps the liberty of nations, has been the victim.

So, likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the

favorite nation facilitating the illusion of an imaginary common interest in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter, without adequate inducement or justification. It leads also to concessions to the favorite nation of privileges denied to others, which is apt doubly to injure the nation making the concessions; by unnecessarily parting with what ought to have been retained, and by exciting jealousy, ill will, and a disposition to retaliate, in the parties from whom equal privileges are withheld: and it gives to ambitious, corrupted, or deluded citizens (who devote themselves to the favorite nation), facility to betray or sacrifice the interests of their own country, without odium, sometimes even with popularity; gilding, with the appearence of a virtuous sense of obligation, a commendable deference for public opinion, or laudable zeal for public good, the base or foolish compliances of ambition, corruption, or infatuation.

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The great rule of conduct for us in regard to foreign nations is, in extending our commercial relations to have with them as little *political* connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith. Here let us stop.

Europe has a set of primary interests, which to us have none, or a very remote relation. Hence she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves, by artificial ties, in the ordinary vicissitudes of her politics, or the ordinary combinations and collisions of her friendships and enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we

may at any time resolve upon, to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation; when we may choose peace or war, as our interest, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own, to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice?

'Tis our true policy to steer clear of permanent alliances with any portion of the foreign world; so far, I mean, as we are now at liberty to do it; for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than to private affairs, that honesty is always the best policy. I repeat it, therefore, let those engagements be observed in their genuine sense. But, in my opinion, it is unnecessary, and would be unwise, to extend them.

Taking care always to keep ourselves, by suitable establishments, in a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony, and a liberal intercourse with all nations, are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand: neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying, by gentle means, the streams of commerce, but forcing nothing; establishing, with powers so disposed, in order to give trade a stable course, to define the rights of our merchants, and to enable the government to support them, conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary, and liable to be, from time to time, abandoned or varied, as experience and circumstances shall dictate; constantly keeping in view that it is folly in one

nation to look for disinterested favors from another; that it must pay with a portion of its independence for whatever it may accept under that character; that, by such acceptance, it may place itself in the condition of having given equivalents for nominal favors, and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect or calculate upon real favors from nation to nation. 'Tis an illusion which experience must cure, which a just pride ought to discard.

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Though, in reviewing the incidents of my administration, I am unconscious of intentional error, I am, nevertheless, too sensible of my defects, not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence, and that after forty-five years of my life dedicated to its service with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this, as in other things, and actuated by that fervent love toward it which is so natural to a man who views in it the native soil of himself and his progenitors for several generations, I anticipate with pleasing expectations that retreat in which I promised myself to realize, without alloy, the sweet enjoyment of partaking, in the midst of my fellow-citizens, the benign influence of good laws under a free government—the ever favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors, and dangers.

12. THOMAS JEFFERSON, of Virginia.—FIRST INAUGURAL ADDRESS

(Delivered at Washington, March 4, 1801.)

The retirement of Washington from political leadership paved the way for the downfall of the Federalist party. John Adams, with good reason, hated and feared Hamilton for what he believed to be treacherous conduct; and Hamilton, without reason, despised Adams. The Federalist dissensions placed Jefferson in the Vice Presidential chair in 1797; and President Adams's vanity, lack of tact, and general inaptitude for party leadership widened the breach. In this situation the extreme section of the Federalists secured control, and used the popular indignation excited against France by the "X, Y, Z" affair to pass the Alien and Sedition Acts. These prescribed fourteen years' residence as a preliminary to naturalization of immigrants, subjected aliens to arbitrary arrest and removal by the government, and provided severe penalties for political slander and sedition. The Federal government was thus given powers over the persons of its opponents which it is unsafe to place in the hands of any administration; and Jefferson's fears led him to see yet further dangers. "If this goes down," he wrote, "we shall immediately see at-

Thomas Jefferson. Born in Virginia, 1743; graduated from William and Mary College; admitted to the bar, 1767; elected to legislature in 1769, and actively engaged for some years after in the work of the Revolution, and in reforming the laws of Virginia; in Congress, 1775–76, 1783–84; governor of Virginia, 1779–81; minister to France, 1784–89; Secretary of State, 1790–94; Vice-President, 1797–1801; President, 1801–09; secured founding of University of Virginia; died, 1826.

tempted another act of Congress declaring that the President shall continue in office during life, reserving to another occasion the transfer of the succession to his heirs, and the establishment of the Senate for life." (*Works*, IV, p. 258.) Among the people there followed a revulsion of feeling against rampant Federalism. In the presidential election of 1800, the Republicans were therefore successful, and Jefferson became President.

The Federalist party had established a strong government, and its work was now done. The failure to rally from this reverse must be sought chiefly in its undemocratic temper. The history of the Revolution, of the period of the Confederation, and of the administrations of Washington and of Adams in their domestic aspects, constitute one long struggle between the forces of aristocracy and democracy. The French Revolution had given the ascendency to the party which championed democracy; and the Federalists, with their out-worn idea that government should rest in the hands of the rich and well-born, were out of touch with the times. The election of 1800 is thus rightly held to mark a revolution in the political and social history of the United States; and Jefferson's first inaugural announces the program of the new era.

The inauguration was the first to take place in the new city of Washington. It was marked by simplicity, as befitted the principles of its central figure: but the story that Jefferson rode on horseback unattended to the Capitol, and after hitching his horse to the palings went inside to take the oath, is pure invention. The British *chargé d'affaires*, who was present, wrote officially to his government: "He [Jefferson] came from his own lodgings to the house where the Congress convenes . . . on foot, in his ordinary dress, escorted by a body of militia artillery from the neighboring State, and accompanied by the Secretaries of

the Navy and Treasury and a number of his personal friends in the House of Representatives."

The inaugural address was moderate in tone, with the design both of showing that Jefferson was no French Jacobin ready to turn the world topsy-turvy, and of conciliating the rank and file of the Federalist party. To quote from Henry Adams's great *History of the United States under Jefferson and Madison*: "Jefferson's first inaugural . . . was for a long time almost as well known as the Declaration of Independence. . . . As the starting-point of a powerful political party, the first inaugural was a standard by which future movements were measured; and it went out of fashion only when its principles were universally accepted or thrown aside." (Vol. I, p. 199.)

[Thomas Jefferson, Inaugural Address, at Washington, March 4, 1801.]

FRIENDS AND FELLOW CITIZENS: Called upon to undertake the duties of the first executive office of our country, I avail myself of the presence of that portion of my fellow-citizens which is here assembled, to express my grateful thanks for the favor with which they have been pleased to look toward me, to declare a sincere consciousness that the task is above my talents, and that I approach it with those anxious and awful presentiments which the greatness of the charge and the weakness of my powers so justly inspire. A rising nation, spread over a wide and fruitful land, traversing all the seas with the rich productions of their industry, engaged in commerce with nations who feel power and forget right, advancing rapidly to destinies beyond the reach of mortal eye,—when I contemplate these transcendent objects, and see the honor, the happiness, and the hopes of this beloved country committed to the issue and the auspices of this day, I shrink from the contemplation, and humble myself before the

magnitude of the undertaking. Utterly, indeed, should I despair, did not the presence of many whom I here see remind me that in the other high authorities provided by our Constitution I shall find resources of wisdom, of virtue, and of zeal on which to rely under all difficulties. To you, then, gentlemen, who are charged with the sovereign functions of legislation, and to those associated with you, I look with encouragement, for that guidance and support which may enable us to steer with safety the vessel in which we are embarked amidst the conflicting elements of a troubled world.

During the contest of opinion through which we have passed, the animation of discussions and of exertions has sometimes worn an aspect which might impose on strangers unused to think freely and to speak and to write what they think; but this being now decided by the voice of the nation, announced according to the rules of the Constitution, all will of course arrange themselves under the will of the law, and unite in common efforts for the common good. All, too, will bear in mind this sacred principle, that though the will of the majority is in all cases to prevail, that will to be rightful must be reasonable; that the minority possess their equal rights, which equal law must protect and to violate would be oppression. Let us then, fellow-citizens, unite with one heart and one mind. Let us restore to social intercourse that harmony and affection without which liberty and even life itself are but dreary things. And let us reflect that, having banished from our land that religious intolerance under which mankind so long bled and suffered, we have yet gained little if we countenance a political intolerance as despotic, as wicked, and capable of as bitter and bloody persecutions. During the throes and convulsions of the ancient world, during the agonizing spasms of infuriated man, seeking through blood and slaughter his long-lost liberty, it was not wonderful that the agitation of the billows should reach even this distant and peaceful shore; that this should be more felt and feared by some and

less by others, and should divide opinions as to measures of safety. But every difference of opinion is not a difference of principle. We have called by different names brethren of the same principle. We are all Republicans, we are all Federalists. If there be any among us who would wish to dissolve the Union or to change its republican form, let them stand undisturbed as monuments of the safety with which error of opinion may be tolerated where reason is left free to combat it. I know, indeed, that some honest men fear that a republican government cannot be strong, that this government is not strong enough: but would the honest patriot, in the full tide of successful experiment, abandon a government which has so far kept us free and firm, on the theoretic and visionary fear that this government, the world's best hope, may by possibility want energy to preserve itself? I trust not. I believe this, on the contrary, the strongest government on earth. I believe it the only one where every man, at the call of the law, would fly to the standard of the law, and would meet invasions of the public order as his own personal concern. Sometimes it is said that man can not be trusted with the government of himself. Can he then be trusted with the government of others? Or have we found angels in the forms of kings to govern him? Let history answer this question.

Let us then with courage and confidence pursue our own federal and republican principles, our attachment to union and representative government. Kindly separated by nature and a wide ocean from the exterminating havoc of one-quarter of the globe; too high-minded to endure the degradations of the others; possessing a chosen country, with room enough for our descendants to the thousandth and thousandth generation; entertaining a due sense of our equal right to the use of our own faculties, to the acquisitions of our own industry, to honor and confidence from our fellow-citizens resulting not from birth but from our actions and their sense of them; enlightened by a benign religion, professed indeed and practiced in various forms,

yet all of them inculcating honesty, truth, temperance, gratitude, and the love of man; acknowledging and adoring an overruling Providence, which by all its dispensations proves that it delights in the happiness of man here and his greater happiness hereafter,—with all these blessings, what more is necessary to make us a happy and a prosperous people? Still one thing more, fellow-citizens: a wise and frugal government, which shall restrain men from injuring one another, shall leave them otherwise free to regulate their own pursuits of industry and improvement, and shall not take from the mouth of labor the bread it has earned. This is the sum of good government, and this is necessary to close the circle of our felicities.

About to enter, fellow-citizens, on the exercise of duties which comprehend everything dear and valuable to you, it is proper you should understand what I deem the essential principles of our government, and consequently those which ought to shape its administration. I will compress them within the narrowest compass they will bear, stating the general principle but not all its limitations: Equal and exact justice to all men, of whatever state or persuasion, religious or political; peace, commerce, and honest friendship with all nations, entangling alliances with none; the support of the State governments in all their rights, as the most competent administrations for our domestic concerns and the surest bulwarks against anti-republican tendencies; the preservation of the general government in its whole constitutional vigor, as the sheet anchor of our peace at home and safety abroad; a jealous care of the right of election by the people,—a mild and safe corrective of abuses which are lopped by the sword of revolution where peaceable remedies are unprovided; absolute acquiescence in the decisions of the majority, the vital principle of republics, from which is no appeal but to force, the vital principle and immediate parent of despotism; a well-disciplined militia, our best reliance in peace and for the first moments of war till regulars may relieve them; the supremacy of the civil

over the military authority; economy in the public expense, that labor may be lightly burthened; the honest payment of our debts and sacred preservation of the public faith; encouragement of agriculture, and of commerce as its handmaid; the diffusion of information and arraignment of all abuses at the bar of the public reason; freedom of religion; freedom of the press; and freedom of person under the protection of the *habeas corpus*, and trial by juries impartially selected. These principles form the bright constellation which has gone before us and guided our steps through an age of revolution and reformation. The wisdom of our sages and blood of our heroes have been devoted to their attainment. They should be the creed of our political faith, the text of civic instruction, the touchstone by which to try the services of those we trust; and should we wander from them in moments of error or of alarm, let us hasten to retrace our steps and to regain the road which alone leads to peace, liberty, and safety.

I repair then, fellow-citizens, to the post you have assigned me. With experience enough in subordinate offices to have seen the difficulties of this the greatest of all, I have learnt to expect that it will rarely fall to the lot of imperfect man to retire from this station with the reputation and the favor which bring him into it. Without pretensions to that high confidence you reposed in our first and greatest revolutionary character, whose pre-eminent services had entitled him to the first place in his country's love and destined for him the fairest page in the volume of faithful history, I ask so much confidence only as may give firmness and effect to the legal administration of your affairs. I shall often go wrong through defect of judgment. When right, I shall often be thought wrong by those whose positions will not command a view of the whole ground. I ask your indulgence for my own errors, which will never be intentional, and your support against the errors of others, who may condemn what they would not if seen in all its parts. The approbation implied by your

suffrage is a great consolation to me for the past; and my future solicitude will be to retain the good opinion of those who have bestowed it in advance, to conciliate that of others by doing them all the good in my power, and to be instrumental to the happiness and freedom of all.

Relying then on the patronage of your good will, I advance with obedience to the work, ready to retire from it whenever you become sensible how much better choice it is in your power to make. And may that Infinite Power which rules the destinies of the universe lead our councils to what is best, and give them a favorable issue for your peace and prosperity.

13. JOHN RANDOLPH, of Virginia.—AGAINST WAR WITH GREAT BRITAIN

(Delivered in the U. S. House of Representatives, December 10, 1811.)

It is the irony of history that Jefferson and Madison, the two Presidents who have most made "peace their passion," were successively in charge of affairs while the United States was drifting into its second war with Great Britain.

The treaty of 1794 failed to settle the question of neutral trading rights and impressment; and in the course of the European war American commerce was practically destroyed between the rival policies of Napoleon and Great Britain, embodied respectively in the Berlin and Milan decrees, and the British Orders in Council. Jefferson, however, had a rooted aversion to armies and navies; and to combat these aggressions he recommended, and the Republican House and Senate passed (December 22, 1807), the Embargo Act, which forbade vessels to depart from American ports for the ports of foreign powers. The act remained in force for fifteen months. Its effects are thus described by Henry Adams, the greatest of American historians: "The cost of this engine for national purposes exceeded all calculation. Financially it emptied the treasury, bankrupted the mercantile and agriculture class, and ground

John Randolph (of Roanoke). Born in Virginia, 1773; attended William and Mary College, Princeton College, and Columbia College; served in Congress, 1799-1812, 1816-25, and 1827-29; in the Senate, 1825-27; member of the Virginia Constitutional Convention, 1829; minister to Russia, 1830-31; died 1833.

the poor beyond endurance. Constitutionally it overrode every specified limit on arbitrary power and made Congress despotic, while it left no bounds to the authority which might be vested by Congress in the President. Morally it sapped the nation's vital force, lowering its courage, paralyzing its energy, corrupting its principles, and arraying all the active elements of society in factious opposition to government or in secret paths of treason. Politically it cost Jefferson the fruit of eight years painful labor for popularity, and brought the Union to the edge of a precipice." (Henry Adams, *History of the U. S.*, IV, p. 287.)

The abandonment of the policy of commercial restrictions for one of war was due to the election to Congress in 1810 of a group of young Republican "war hawks" led by Clay and Calhoun—"the first ripened product of the generation which had grown up since the Revolutionary War." (Babcock, *Rise of American Nationality*, p. 51.) Their policy was opposed by the large Federalist minority, and by a small section of dissatisfied Republicans under the leadership of the brilliant but erratic John Randolph of Roanoke. The grounds of Randolph's opposition to the war were set forth in the speech given below, which was delivered December 10, 1811. Its immediate occasion was a proposal to raise an additional force of 10,000 troops for three years.

In reply to Randolph, John C. Calhoun of South Carolina delivered next day his first great speech in Congress, which in the opinion of those who heard it completely demolished Randolph's arguments. Limits of space forbid the insertion of Calhoun's speech in this collection, but the following extracts will show something of its character:

"The question [said Mr. Calhoun], even in the opinion and admission of our opponents, is reduced to this single

point: Which shall we do, abandon or defend our own commercial and maritime rights, and the personal liberties of our citizens employed in exerting them? These rights are essentially attacked, and war is the only means of redress. . . . We are told of the expenses of the war, and that the people will not pay taxes. . . . Where will proof be found of a fact so disgraceful? . . .

"Sir, I here enter my solemn protest against this low and 'calculating avarice' entering this hall of legislation. It is only fit for shops and counting-houses, and ought not to disgrace the seat of sovereignty by its squalid and vile appearance. Whenever it touches sovereign power, the nation is ruined. It is too short-sighted to defend itself. It is an unpromising spirit, always ready to yield a part to save the balance. It is too timid to have in itself the laws of self-preservation. It is never safe but under the shield of honor. Sir, I only know one principle to make a nation great, to produce in this country not the form but real spirit of union; and that is, to protect every citizen in the lawful pursuit of his business. He will then feel that he is backed by the government—that its arm is his arm—and will rejoice in its increased strength and prosperity. . . . I can not dare to measure in shillings and pence the misery, the stripes, and the slavery of our impressed seamen; nor even to value our shipping, commercial, and agricultural losses under the Orders in Council and the British system of blockade."

[John Randolph, in the U. S. House of Representatives, December 10, 1811.]

MR. SPEAKER: This is a question, as it has been presented to this house, of peace or war. In that light it has been argued; in no other light can I consider it, after the declarations made by members of the Committee of Foreign Relations. Without intending any disrespect to the Chair [Mr. Clay], I must be permitted to say that if the decision yesterday was correct, "that it was not in order to advance any arguments against the resolution drawn from topics before other committees of the house," the whole debate, nay the report itself on which we are acting, is disorderly, since the increase of the military force is a subject at this time in agitation by a select committee raised on that branch of the President's message. But it is impossible that the discussion of a question broad as the wide ocean of our foreign concerns; involving every consideration of interest, of right, of happiness, and of safety at home; touching in every point all that is dear to freemen, "their lives, their fortunes, and their sacred honor," can be tied down by the narrow rules of technical routine.

The Committee of Foreign Relations have indeed decided that the subject of arming the militia (which has been pressed upon them as indispensable to the public security) does not come within the scope of their authority. On what ground I have been and still am unable to see, they *have* felt themselves authorized to recommend the raising of standing armies, with a view (as has been declared) of immediate war—a war, not of defense, but of conquest, of aggrandizement, of ambition—a war foreign to the interests of this country—to the interests of humanity itself.

I know not how gentlemen calling themselves Republicans can advocate such a war. What was their doctrine in 1798 and '9, when the command of the army—that highest of all possible trusts in any government, be the form what it may—was reposed in the bosom of the Father of his Country—the sanctuary of a nation's love; the only hope

that never came in vain!—when other worthies of the revolution, Hamilton, Pinkney, and the younger Washington, men of tried patriotism, of approved conduct and valor, of untarnished honor, held subordinate command under him? Republicans were then unwilling to trust a standing army even to his hands, who had given proof that he was above all human temptation. Where now is the revolutionary hero to whom you are about to confide this sacred trust? To whom will you confide the charge of leading the flower of our youth to the heights of Abraham? Will you find him in the person of an acquitted felon? [Gen. James Wilkinson, involved in Burr's traitorous designs.] What! *then* you were unwilling to vote an army where such men as have been named held high command! When Washington himself was at the head, did you show *such* reluctance, feel *such* scruples; and are you *now* nothing loath, fearless of every consequence? Will you say that your provocations were less then than now, when your direct commerce was interdicted, your ambassadors hooted with derision from the French court, tribute demanded [in the X, Y, Z affair], actual war waged upon you?

Those who opposed the army then were indeed denounced as the partisans of France; as the same men (some of them at least) are now held up as the advocates of England: those firm and undeviating Republicans, who then dared, and now dare, to cling to the ark of the Constitution, to defend it even at the expense of their fame, rather than surrender themselves to the wild projects of mad ambition. There is a fatality attending plenitude of power. Soon or late some mania seizes upon its possessors; they fall from the dizzy height through giddiness. Like a vast estate heaped up by the labor and industry of one man, which seldom survives the third generation, power gained by patient assiduity, by a faithful and regular discharge of its attendant duties, soon gets above its own origin. Intoxicated with their own greatness, the Federal party fell. Will not the same causes produce the same effects now as then?

Sir, you may raise this army, you may build up this vast structure of patronage; but "lay not the flattering unction to your souls:" you will never live to enjoy the succession. You sign your political death-warrant.

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An insinuation has fallen from the gentleman from Tennessee [Mr. Grundy] that the late massacre of our brethren on the Wabash [battle of the Tippecanoe, November 7, 1811] was instigated by the British government. Has the President given any such information? Is it so believed by the administration? I have cause to believe the contrary to be the fact—that such is not their opinion. This insinuation is of the grossest kind—a presumption the most rash, the most unjustifiable. Show but good ground for it, I will give up the question at the threshold; I will be ready to march to Canada. It is, indeed, well calculated to excite the feelings of the western people particularly, who are not quite so tenderly attached to our red brethren as some of our modern philosophers; but it is destitute of any foundation beyond mere surmise and suspicion. What would be thought if, without any proof whatsoever, a member should rise in his place and tell us that the massacre in Savannah—a massacre perpetrated by civilized savages, with French commissions in their pockets—was excited by the French government? There is an easy and natural solution of the late transaction on the Wabash, in the well-known character of the aboriginal savage of North America, without resorting to any such mere conjectural estimate. I am sorry to say that for this signal calamity and disgrace the house is, in part at least, answerable. Session after session our table has been piled up with Indian treaties, for which the appropriations have been voted as a matter of course, without examination. Advantage has been taken of the spirit of the Indians, broken by the war which ended in the treaty of Greenville [1795]. Under the ascendency then acquired over them, they have been pent up, by subsequent treaties, into nooks; straitened

in their quarters by a blind cupidity, seeking to extinguish their title to immense wildernesses: for which (possessing as we do already more land than we can sell or use) we shall not have occasion for half a century to come. It is our own thirst for territory, our own want of moderation, that has driven these sons of nature to desperation, of which we feel the effects. . . .

I can not refrain from smiling at the liberality of the gentleman, in giving Canada to New York in order to strengthen the northern balance of power, while at the same time, he forewarns her that the western scale must preponderate. I can almost fancy that I see the capitol in motion towards the Falls of Ohio, after a short sojourn taking its flight to the Mississippi, and finally alighting on Darien; which, when the gentleman's dreams are realized, will be a most eligible seat of government for the new republic (or empire) of the two Americas! But it seems, that "in 1808 we talked and acted foolishly," and to give some color of consistency to that folly, we must now commit a greater. Really I can not conceive of a weaker reason, offered in support of a present measure, than the justification of a former folly. I hope we shall act a wise part,—take warning by our follies, since we have become sensible of them, and resolve to talk and act foolishly no more. It is indeed high time to give over such preposterous language and proceedings. This war of conquest—a war for the acquisition of territory and subjects—is to be a new commentary on the doctrine that republicans are destitute of ambition; that they are addicted to peace, wedded to the happiness and safety of the great body of their people. But, it seems, this is to be a holiday campaign; there is to be no expense of blood or treasure on our part; Canada is to conquer herself; she is to be subdued by the principles of fraternity! The people of that country are first to be seduced from their allegiance, and converted into traitors as preparatory to making them good citizens! Although I must acknowledge that some of our flaming patriots were

thus manufactured, I do not think the process would hold good with a whole community. It is a dangerous experiment. We are to succeed in the French mode, by the system of fraternization—all is French! But how dreadfully it might be retorted on the southern and western slave-holding States. I detest this subornation of treason. No: if we must have them, let them fall by the valor of our arms; by fair, legitimate conquest; not become the victims of treacherous seduction.

I am not surprised at the war-spirit which is manifesting itself in gentlemen from the South. In the year 1805-06, in a struggle for the carrying trade of belligerent-colonial produce, this country was most unwisely brought into collision with the great powers of Europe. By a series of most impolitic and ruinous measures, utterly incomprehensible to every rational, sober-minded man, the Southern planters, by their own votes, have succeeded in knocking down the price of cotton to seven cents, and of tobacco (a few choice crops excepted) to nothing; and in raising the price of blankets (of which a few would not be amiss in a Canadian campaign), coarse woollens, and every article of first necessity, three or four hundred *per centum*. And now that, by our own acts, we have brought ourselves into this unprecedented condition, we must get out of it in any way but by an acknowledgment of our own want of wisdom and forecast. But is war the true remedy? Who will profit by it? Speculators; a few lucky merchants who draw prizes in the lottery; commissaries and contractors. Who must suffer by it? The people. It is their blood, their taxes, that must flow to support it.

But gentlemen avowed that they would not go to war for the carrying trade; that is, for any other but the direct export and import trade; that which carries our native products abroad, and brings back the return cargo: and yet they stickle for our commercial rights, and will go to war for them! I wish to know, in point of principle, what difference gentlemen can point out between the abandon-

ment of this or of that maritime right? Do gentlemen assume the lofty port and tone of chivalrous redressers of maritime wrongs, and declare their readiness to surrender every other maritime right provided they may remain unmolested in the exercise of the humble privilege of carrying their own produce abroad and bringing back a return cargo? Do you make this declaration to the enemy at the outset? Do you state the *minimum* with which you will be contented, and put it in their power to close with your proposals at their option,—give her the basis of a treaty ruinous and disgraceful beyond example and expression? And this too after having turned up your noses in disdain at the treaties of Mr. Jay [1794] and Mr. Monroe [December 31, 1806]! Will you say to England, "End the war when you please; give us the direct trade in our own produce, we are content?" But what will the merchants of Salem, and Boston, and New York, and Philadelphia, and Baltimore, the men of Marblehead and Cape Cod, say to this? Will they join in a war, professing to have for its object what they would consider (and justly too) as the sacrifice of their maritime rights, yet affecting to be a war for the protection of commerce?

I am gratified to find gentlemen acknowledging the demoralizing and destructive consequences of the non-importation law [substituted for the embargo, March 1, 1809]; confessing the truth of all that its opponents foretold, when it was enacted. And will you plunge yourselves in war, because you have passed a foolish and ruinous law and are ashamed to repeal it? "But our good friend, the French Emperor, stands in the way of its repeal; and as we can not go too far in making sacrifices to him who has given such demonstration of his love for the Americans, we must in point of fact become parties to his war. Who can be so cruel as to refuse him that favor?" My imagination shrinks from the miseries of such a connection. I call upon the house to reflect whether they are not about to abandon all reclamation for the unparalleled outrages,

"insults, and injuries" of the French government; to give up our claim for plundered millions: and I ask what reparation or atonement they can expect to obtain in hours of future dalliance, after they shall have made a tender of their person to this great deflowerer of the virginity of republics? We have, by our own wise (I will not say wiseacre) measures, so increased the trade and wealth of Montreal and Quebec, that at last we begin to cast a wishful eye at Canada. Having done so much towards its improvement by the exercise of "our restrictive energies," we begin to think the laborer worthy of his hire, and to put in claim for our portion. Suppose it ours: are we any nearer to our point? As his minister said to the king of Epirus, "May we not as well take our bottle of wine before as after this exploit?" Go! march to Canada! leave the broad bosom of the Chesapeake and her hundred tributary rivers, the whole line of sea-coast from Machias to St. Mary's unprotected! You have taken Quebec: have you conquered England? Will you seek for the deep foundations of her power in the frozen deserts of Labrador?

> "Her march is on the mountain wave,
> Her home is on the deep."

Will you call upon her to leave your ports and harbors untouched, only just till you can return from Canada to defend them? The coast is to be left defenseless, whilst men of the interior are revelling in conquest and spoil. But grant for a moment, for mere argument's sake, that in Canada you touched the sinews of her strength, instead of removing a clog upon her resources—an encumbrance, but one which from a spirit of honor she will vigorously defend. In what situation would you then place some of the best men of the nation? As Chatham and Burke, and the whole band of her patriots, prayed for her defeat in 1776, so must some of the truest friends to their country deprecate the success of our arms against the only power that holds in check the arch-enemy of mankind.

The Committee have outstripped the Executive. In designating the power against whom this force is to be employed, as has most unadvisedly been done in the preamble or manifesto with which the resolutions are prefaced, they have not consulted the views of the Executive; that designation is equivalent to an abandonment of all our claims on the French government. No sooner was the report laid on the table than the vultures were flocking round their prey —the carcass of a great military establishment. Men of tainted reputation, of broken fortune (if they ever had any), and of battered constitutions, "choice spirits, tired of the dull pursuits of civil life," were seeking after agencies and commissions, willing to doze in gross stupidity over the public fire; to light the public candle at both ends. Honorable men undoubtedly there are, ready to serve their country; but what man of spirit, or of self-respect, will accept a commission in the present army? The gentleman from Tennessee [Mr. Grundy] addressed himself yesterday exclusively to the "republicans of the house." I know not whether I may consider myself as entitled to any part of the benefit of the honorable gentleman's discourse. It belongs not, however, to that gentleman to decide. If we must have an exposition of the doctrines of republicanism, I shall receive it from the fathers of the church, and not from the junior apprentices of the law. I shall appeal to my worthy friends from Carolina [Messrs. Macon and Stanford], "men with whom I have measured my strength," by whose side I have fought during the reign of terror; for it was indeed an hour of corruption, of oppression, of pollution. It is not at all to my taste—that sort of republicanism which was supported, on this side of the Atlantic, by the father of the Sedition Law, John Adams, and by "Peter Porcupine" on the other. Republicanism! of John Adams and William Cobbett [a noted radical agitator in England and America, who wrote over the signature of "Peter Porcupine"]! . . . Gallant crusaders in the holy cause of republicanism! Such "republicanism does,

indeed, mean anything or nothing." Our people will not submit to be taxed for this war of conquest and dominion.

The government of the United States was not calculated to wage offensive foreign war; it was instituted for the common defense and general welfare; and whosoever should embark it in a war of offense, would put it to a test which it is by no means calculated to endure. Make it out that Great Britain has instigated the Indians on a late occasion, and I am ready for battle, but not for dominion. I am unwilling, however, under present circumstances, to take Canada at the risk of the Constitution,—to embark in a common cause with France and to be dragged at the wheels of the car of some Burr or Bonaparte. For a gentleman from Tennessee, or Genesee, or Lake Champlain, there may be some prospect of advantage. Their hemp would bear a great price by the exclusion of foreign supply. In that, too, the great importers are deeply interested. The upper country on the Hudson and the lakes would be enriched by the supplies for the troops, which they alone could furnish. They would have the exclusive market; to say nothing of the increased preponderance from the acquisition of Canada of that section of the Union, which the Southern and Western States have already felt so severely in the apportionment bill.

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Permit me now, sir, to call your attention to the subject of our black population. I will touch this subject as tenderly as possible. It is with reluctance that I touch it at all; but in cases of great emergency the state physician must not be deterred, by a sickly hysterical humanity, from probing the wound of his patient: he must not be withheld by a fastidious and mistaken delicacy from representing his true situation to his friends, or even to the sick man himself, when the occasion calls for it. What is the situation of the slave-holding States? During the War of the Revolution, so fixed were their habits of subordination that while the whole country was overrun by

the enemy, who invited them to desert, no fear was ever entertained of an insurrection of the slaves. During a war of seven years, with our country in possession of the enemy, no such danger was ever apprehended. But should we, therefore, be unobservant spectators of the progress of society within the last twenty years; of the silent, but powerful change wrought, by time and chance, upon its composition and temper? When the fountains of the great deep of abomination were broken up, even the poor slaves did not escape the general deluge. The French Revolution has polluted even them. Nay, there have not been wanting men in this house—witness our legislative Legendre, the butcher who once held a seat here—to preach upon this floor these imprescriptible rights to a crowded audience of blacks in the galleries; teaching them that they are equal to their masters; in other words, advising them to cut their throats. Similar doctrines have been disseminated by peddlers from New England and elsewhere, throughout the Southern country; and masters have been found so infatuated as, by their lives and conversation, by a general contempt of order, morality, and religion, unthinkingly to cherish these seeds of self-destruction to them and their families. What has been the consequence? Within the last ten years, repeated alarms of insurrections among the slaves; some of them awful, indeed. From the spreading of this infernal doctrine, the whole Southern country has been thrown into a state of insecurity. Men dead to the operation of moral causes have taken away from the poor slave his habits of loyalty and obedience to his master, which lightened his servitude by a double operation, beguiling his own cares and disarming his master's suspicions and severity; and now, like true empirics in politics, you are called upon to trust to the mere physical strength of the fetter which holds him in bondage. You have deprived him of all moral restraint; you have tempted him to eat of the fruit of the tree of knowledge, just enough to perfect him in wickedness; you have opened his eyes to his naked-

ness; you have armed his nature against the hand that has fed, that has clothed him, that has cherished him in sickness,—that hand which, before he became a pupil of your school, he had been accustomed to press with respectful affection. You have done all this,—and then show him the gibbet and the wheel, as incentives to a sullen, repugnant obedience. God forbid, sir, that the Southern States should ever see an enemy on their shores, with these infernal principles of French fraternity in the van. While talking of taking Canada, some of us are shuddering for our own safety at home. I speak from facts when I say that the night-bell never tolls for fire in Richmond, that the mother does not hug her infant more closely to her bosom. I have been a witness of some of the alarms in the capital of Virginia.

How have we shown our sympathy with the patriots of Spain, or with the American provinces? By seizing on one of them [West Florida seized 1810; seizure of East Florida authorized by Congress, January 15, 1811], her claim to which we had formerly respected, as soon as the parent country was embroiled at home. Is it thus we yield them assistance against the arch-fiend, who is grasping at the sceptre of the civilized world? The object of France is as much Spanish-America as old Spain herself. Much as I hate a standing army, I could almost find it in my heart to vote one, could it be sent to the assistance of the Spanish patriots.

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Against whom are these charges of British predilection brought? Against men who, in the War of the Revolution, were in the councils of the nation, or fighting the battles of your country. And by whom are they made? By runaways chiefly from the British dominions, since the breaking out of the French troubles. It is insufferable. It can not be borne. It must and ought, with severity, to be put down in this house, and out of it to meet the lie direct. We have no fellow-feeling for the suffering and oppressed Spaniards! Yet even them we do not reprobate. Strange! that

we should have no objection to any other people or government, civilized or savage, in the whole world! The great autocrat of all the Russias receives the homage of our high consideration. The dey of Algiers and his divan of pirates are very civil good sort of people, with whom we find no difficulty in maintaining the relations of peace and amity. "Turks, Jews, and infidels," Melimelli or the Little Turtle, barbarians and savages of every clime and color, are welcome to our arms. With chiefs of banditti, negro or mulatto, we can treat and can trade. Name however but England, and all our antipathies are up in arms against her. Against whom? Against those whose blood runs in our veins; in common with whom we claim Shakespeare and Newton and Chatham for our countrymen; whose form of government is the freest on earth, our own only excepted; from whom every valuable principle of our own institutions has been borrowed—representation, jury trial, voting the supplies, writ of *habeas corpus*—our whole civil and criminal jurisprudence: against our fellow Protestants, identified in blood, in language, in religion with ourselves! In what school did the worthies of our land, the Washingtons, Henrys, Hancocks, Franklins, Rutledges of America, learn those principles of civil liberty, which were so nobly asserted by their wisdom and valor? American resistance to British usurpation has not been more warmly cherished by these great men and their compatriots—not more by Washington, Hancock, and Henry—than by Chatham and his illustrious associates in the British Parliament. It ought to be remembered too that the heart of the English people was with us. It was a selfish and corrupt ministry, and their servile tools, to whom we were not more opposed than they were. I trust that none such may ever exist among us; for tools will never be wanting to subserve the purposes, however ruinous or wicked, of kings and ministers of state. I acknowledge the influence of a Shakespeare and a Milton upon my imagination, of a Locke upon my understanding, of a Sidney upon my political principles, of a Chat-

ham upon qualities which would to God I possessed in common with that illustrious man! of a Tillotson, a Sherlock, and a Porteus, upon my religion. This is a British influence which I can never shake off. I allow much to the just and honest prejudices growing out of the Revolution. But by whom have they been suppressed when they ran counter to the interests of my country? By Washington. By whom, would you listen to them, are they most keenly felt? By felons escaped from the jails of Paris, Newgate, and Kilmainham, since the breaking out of the French Revolution; who in this abused and insulted country have set up for political teachers, and whose disciples give no other proof of their progress in republicanism except a blind devotion to the most ruthless military despotism that the world ever saw. These are the patriots who scruple not to brand with the epithet of tory, the men [looking towards the seat of Colonel Stewart] by whose blood your liberties have been cemented. These are they, who hold in such keen remembrance the outrages of the British armies, from which many of them are deserters. Ask these self-styled patriots where they were during the American War (for they are, for the most part, old enough to have borne arms), and you strike them dumb; their lips are closed in eternal silence. If it were allowable to entertain partialities, every consideration of blood, language, religion, and interest would incline us towards England; and yet, shall they be alone extended to France and her ruler, whom we are bound to believe a chastening God suffers as the scourge of a guilty world? On all other nations he tramples; he holds them in contempt: England alone he hates; he would, but he can not, despise her; fear can not despise: and shall we disparage our ancestors? Shall we bastardize ourselves by placing them even below the brigands of St. Domingo?—with whom Mr. Adams negotiated a sort of treaty, for which he ought to have been and would have been impeached, if the people had not previously

passed sentence of disqualification for their service upon him. This antipathy to all that is *English,* must be *French.*

But the outrages and injuries of England, bred up in the principles of the Revolution, I can never palliate, much less defend them. I well remember flying with my mother and her newborn child from Arnold and Phillips—and we were driven by Tarleton and other British pandours from pillar to post, while her husband was fighting the battles of his country. The impression is indelible on my memory; and yet (like my worthy old neighbor, who added seven buckshot to every cartridge at the battle of Guilford, and drew a fine sight at his man) I must be content to be called a tory by a patriot of the last importation. Let us not get rid of one evil (supposing it possible) at the expense of a greater: *mutatis mutandis,* suppose France in possession of the British naval power—and to her the trident must pass, should England be unable to wield it—what would be your condition? What would be the situation of your seaports and their seafaring inhabitants? Ask Hamburg, Lubeck [seized by France, 1806, and oppressively ruled]! Ask Savannah! What, sir, when their privateers are pent up in our harbors by the British bull-dogs; when they receive at our hands every right of hospitality, from which their enemy is excluded; when they capture in our own waters, interdicted to British armed ships, American vessels: when such is their deportment towards you, under such circumstances, what could you expect if they were the uncontrolled lords of the ocean? Had those privateers at Savannah borne British commissions, or had your shipments of cotton, tobacco, ashes, and what not, to London and Liverpool, been confiscated and the proceeds poured into the English exchequer, my life upon it you would never have listened to any miserable wire-drawn distinctions between "orders and decrees affecting our neutral rights," and "municipal decrees" confiscating in mass your whole property: you would have had instant war! The whole land would have blazed out in war. And

shall republicans become the instruments of him who has effaced the title of Attila to the "scourge of God?" Yet even Attila, in the falling fortunes of civilization, had no doubt his advocates, his tools, his minions, his parasites, in the very countries that he overrun—sons of that soil whereon his horse had trod, where grass could never after grow. If perfectly fresh—instead of being as I am, my memory clouded, my intellect stupefied, my strength and spirits exhausted—I could not give utterance to that strong detestation which I feel towards (above all other works of the creation) such characters as Gengis, Tamerlane, Kouli Khan, or Bonaparte. My instincts involuntarily revolt at their bare idea—malefactors of the human race who have ground down man to a mere machine of their impious and bloody ambition! Yet under all the accumulated wrongs and insults and robberies of the last of these chieftains, are we not in point of fact about to become a party to his views, a partner in his wars?

But before this miserable force of ten thousand men is raised to take Canada, I beg gentlemen to look at the state of defense at home; to count the cost of the enterprise before it is set on foot, not when it may be too late,—when the best blood of the country shall be spilt, and naught but empty coffers left to pay the cost. Are the bounty lands to be given in Canada? It might lessen my repugnance to that part of the system to granting these lands, not to these miserable wretches who sell themselves to slavery for a few dollars and a glass of gin, but in fact to the clerks in our offices, some of whom, with an income of fifteen hundred or two thousand dollars, live at the rate of four or five thousand and yet grow rich; who perhaps at this moment are making out blanket assignments for these land rights. I beseech the house, before they run their heads against this post, Quebec, to count the cost. My word for it, Virginia planters will not be taxed to support such a war—a war which must aggravate their present distresses —in which they have not the remotest interest. Where is

the Montgomery, or even the Arnold, or the Burr, who is to march to the Point Levi?

I call upon those professing to be Republicans, to make good the promises held out by their Republican predecessors, when they came into power; promises which, for years afterwards, they honestly, faithfully fulfilled. We have vaunted of paying off the national debt; of retrenching useless establishments, and yet have now become as infatuated with standing armies, loans, taxes, navies, and war, as ever were the Essex Junto [a group of extreme Federalists, of whom Timothy Pickering was chief, so called from Essex county, Mass., which was a stronghold of Federalism.] . . .

14. WILLIAM PINKNEY, of Maryland.—THE MISSOURI QUESTION

(Delivered in the U. S. Senate, February 15, 1820.)

Until 1819 Congress touched upon Slavery only incidentally; but the introduction of the subject in that year as a main point in the debates over the admission of Missouri as a State, aroused the country, in Jefferson's language, "like a fire-bell in the night."

The North was steadily outstripping the South in population and political representation. In 1790 the difference between the sections amounted to but 7,000 inhabitants, with a difference of but four in the number of representatives in the lower house of Congress. In the census of 1820 the difference amounted to 600,000 inhabitants (5,132,372 as against 4,522,224), giving the North an advantage of forty-three representatives in Congress (133 as against 90). In the Senate the balance between the sections had been preserved by the alternate admission of States—Louisiana balancing Ohio, Mississippi offsetting Indiana, Alabama following Illinois. In 1820, however, this equilibrium was threatened by the facts (1) that Missouri and Maine, which were then seeking admission, were both geographically of the North, though slaves in con-

William Pinkney. Born in Maryland, 1764; admitted to the bar, 1786; member of Maryland ratifying convention, 1788; in the legislature, 1788–92, and executive council, 1792–95; engaged in diplomatic service of U. S. in Great Britain, Russia, and Naples, 1796–1804, 1806–11, 1816–18; Attorney-General of Maryland, 1805; in Maryland Senate, 1812; Attorney-General of U. S., 1812–14; in Congress, 1815–16; in Senate, 1820–22; died, 1822.

siderable numbers were held in Missouri Territory, and (2) that the preceding House of Representatives, by a vote of 87 to 76, had inserted a clause in the Missouri enabling bill prohibiting any further introduction of slaves, and granting freedom to children of those already there on their attaining the age of twenty-five. This bill was lost through the Senate striking out that provision and the House refusing concurrence (March, 1819). In the next Congress the Senate tacked to the bill admitting free Maine a "rider" admitting Missouri without restriction as to slavery, but including an amendment offered by Senator Thomas of Illinois (reviving an earlier proposition made in the House) to prohibit slavery in any other portion of the Louisiana Purchase north of the southern boundary of Missouri. In the end the House yielded: Maine was admitted as a State; Missouri was authorized to form a constitution without restriction as to slavery; and "slavery and involuntary servitude" in the rest of the Louisiana Territory north of the parallel 36 degrees 30 minutes was "forever prohibited" (March 3, 1820).

In the debates on this question two speakers stood out preeminent—Rufus King, the veteran Senator from New York, who favored restriction upon Missouri, and William Pinkney, Senator from Maryland, who opposed it. King's two speeches were not reported, but abstracts of them were published and widely circulated as part of the public agitation, which he directed. His main arguments were: (1) that slavery might be prohibited in the territories under the clause of the Constitution granting power to "make all needful rules and regulations respecting the territory and other property of the United States;" and (2) that under the power to admit new States, Congress might "make a condition . . . that slavery shall be forever prohibited." The prohibition of slavery in the Old Northwest Territory,

and the exaction of conditions on the admission of Louisiana concerning jury trial, *habeas corpus*, and the official use of the English language, were cited in proof of the correctness of this interpretation.

William Pinkney was at this time the acknowledged leader of American lawyers, though he affected "the foppishness of an old beau, with garments of faultless cut, delicately tinted gloves to be drawn off and on, and ruffles of superfine texture," and labored to give an air of impromptu to his most carefully prepared efforts. (Schouler, *History of the United States*, III, p. 158). Like King, he made two speeches on the subject. The first, which was never printed, was regarded by contemporaries as the most remarkable oration of this Congress, and by all odds the most effective reasoning on the Southern side. The second speech was duly reported, and is given here.

Perhaps the chief impression gained from the study of these rival speeches is that of the inapplicability of an inflexible constitution, interpreted by rigid rules of logic, to the changing affairs of human life.

[William Pinkney, in the United States Senate, February 15, 1820.]

I BELIEVE, Mr. President, that I am about as likely to retract an opinion which I have formed, as any member of this body who, being a lover of truth, inquires after it with diligence before he imagines that he has found it; but I suspect that we are all of us so constituted as that neither argument nor declamation, levelled against recorded and published decision, can easily discover a practicable avenue through which it may hope to reach either our heads or our hearts. I mention this lest it may excite surprise when I take the liberty to add that the speech of the honorable gentleman from New York [Mr. King] upon the great sub-

ject with which it was principally occupied, has left me as great an infidel as it found me. . . . I have heard the tones of the 'larum bell on all sides, until they have become familiar to my ear, and have lost their power to appall, if indeed they ever possessed it. Notwithstanding occasional appearances of rather an unfavorable description, I have long since persuaded myself that the *Missouri Question,* as it is called, might be laid to rest, with innocence and safety, by some conciliatory compromise at least, by which as is our duty we might reconcile the extremes of conflicting views and feelings, without any sacrifice of constitutional principle; and in any event, that the Union would easily and triumphantly emerge from those portentous clouds with which this controversy is supposed to have environed it. . . .

Sir, it is not an occasion like this—although connected (as contrary to all reasonable expectation it has been) with fearful and disorganizing theories, which would make our estimates, whether fanciful or sound, of natural law the measure of civil rights and political sovereignty in the social state—that can harm the Union. It must indeed be a mighty storm that can push from its moorings this sacred ark of the common safety. It is not every trifling breeze, however it may be made to sob and howl in imitation of the tempest by the auxiliary breath of the ambitious, the timid, or the discontented, that can drive this gallant vessel, freighted with everything that is dear to an American bosom, upon the rocks or lay it a sheer hulk upon the ocean. I may perhaps mistake the flattering suggestions of hope (the greatest of all flatterers, as we are told) for the conclusions of sober reason. Yet it is a pleasing error, if it be an error, and no man shall take it from me. I will continue to cherish the belief—in defiance of the public patronage given by the honorable gentleman from New York, with more than his ordinary zeal and solemnity, to deadly speculations which, invoking the name of God to aid their faculties for mischief, strike at all establishments—that the

union of these States is formed to bear up against far greater shocks than, through all vicissitudes, it is ever likely to encounter. I will continue to cherish the belief that, although like all other human institutions it may for a season be disturbed or suffer momentary eclipse by the transit across its disk of some malignant planet, it possesses a recuperative force, a redeeming energy in the hearts of the people, that will soon restore it to its wonted calm, and give it back its accustomed splendor. On such a subject I will discard all hysterical apprehensions—I will deal in no sinister auguries—I will indulge in no hypochondriacal forebodings. I will look forward to the future with gay and cheerful hope, and will make the prospect smile, in fancy at least, until overwhelmingly reality shall render it no longer possible.

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Sir, it was but the other day that we were forbidden (properly forbidden, I am sure, for the prohibition came from you [Vice-President Daniel D. Thompkins]) to assume that there existed any intention to impose a prospective restraint on the domestic legislation of Missouri,—a restraint to act upon it contemporaneously with its origin as a State, and to continue adhesive to it through all the stages of its political existence. We are now, however, permitted to know that it is determined by a sort of political surgery to amputate one of the limbs of its local sovereignty, and thus mangled and disparaged, and thus only, to receive it into the bosom of the Constitution. It is now avowed that, while *Maine* is to be ushered into the Union with every possible demonstration of studious reverence on our part, and on hers with colors flying and all the other graceful accompaniments of honorable triumph, this ill-conditioned upstart of the West, this obscure foundling of a wilderness that was but yesterday the hunting-ground of the savage, is to find her way into the American family as she can, with an humiliating badge of remediless inferiority patched upon her garments, with the mark of recent, qualified manumis-

sion upon her, or rather with a brand upon her forehead to tell the story of her territorial vassalage, and to perpetuate the memory of her evil propensities. It is now avowed that, while the robust District of Maine is to be seated by the side of her truly respectable parent [Massachusetts], coördinate in authority and honor, and is to be dandled into that power and dignity of which she does not stand in need but which undoubtedly she deserves, the more infantine and feeble Missouri is to be repelled with harshness, and forbidden to come at all unless with the iron collar of servitude about her neck, instead of the civic crown of republican freedom upon her brows, and is to be doomed forever to leading-strings unless she will exchange those leading-strings for shackles.

I am told that you have the power to establish this odious and revolting distinction, and I am referred for the proofs of that power to various parts of the Constitution, but principally to that part of it which authorizes the admission of new States into the Union. I am myself of opinion that it is in that part only that the advocates for this restriction can, with any hope of success, apply for a license to impose it; and that the efforts which have been made to find it in other portions of that instrument, are too desperate to require to be encountered. I shall, however, examine those other portions before I have done, lest it should be supposed by those who have relied upon them that what I omit to answer I believe to be unanswerable.

The clause of the Constitution which relates to the admission of new States is in these words: "The Congress *may* admit new States into this Union," etc. And the advocates for restriction maintain that the use of the word "may" imports discretion to admit or to reject; and that in this discretion is wrapped up another—that of prescribing the terms and conditions of admission in case you are willing to admit: *Cujus est dare ejus est disponere* [he who has the power to give, has the power to divide]. I will not for the present inquire whether this *involved* discretion to

dictate the *terms* of admission belongs to you or not. It is fit that I should first look to the *nature and extent of it.*

I think I may assume that if such a power be anything but nominal it is much more than adequate to the present object: that it is a power of vast expansion, to which human sagacity can assign no reasonable limits: that it is a capacious reservoir of authority, from which you may take in all time to come, as occasion may serve, the means of oppression as well as of benefaction. I know that it professes at this moment to be the chosen instrument of protecting mercy, and would win upon us by its benignant smiles: but I know, too, it can frown and play the tyrant, if it be so disposed. Notwithstanding the softness which it now assumes, and the care with which it conceals its giant proportions beneath the deceitful drapery of sentiment, when it next appears before you it may show itself with a sterner countenance and in more awful dimensions. It is, to speak the truth, sir, a power of colossal size,—if indeed it be not an abuse of language to call it by the gentle name of *a power.* Sir, it is a wilderness of powers, of which fancy in her happiest mood is unable to perceive the far-distant and shadowy boundary. Armed with such a power, with religion in one hand and philanthropy in the other, and followed with a goodly train of public and private virtues, you may achieve more conquests over sovereignties not your own than falls to the common lot of even uncommon ambition. By the aid of such a power, skilfully employed, you may "bridge your way" over the Hellespont that separates State legislation from that of Congress; and you may do so for pretty much the same purpose with which Xerxes once bridged his way across the Hellespont that separates Asia from Europe. He did so, in the language of Milton, "the liberties of Greece to yoke": you may do so for the analogous purpose of subjugating and reducing the sovereignties of States as your taste or convenience may suggest, and fashioning them to your imperial will. There are those in this house who appear to think, and (I doubt not) sincerely, that the particular

restraint now under consideration is wise, and benevolent, and good: wise as respects the Union; good as respects Missouri; benevolent as respects the unhappy victims whom with a novel kindness it would incarcerate in the South and bless by decay and extirpation. Let all such beware lest, in their desire for the effect which they believe the restriction will produce, they are too easily satisfied that they have the right to impose it. The moral beauty of the present purpose, or even its political recommendations (whatever they may be), can do nothing for a power like this, which claims to prescribe conditions *ad libitum* and to be competent to *this* purpose because it is competent to *all*. This restriction, if it be not smothered in its birth, will be but a small part of the progeny of that prolific power. It teems with a mighty brood, of which this may be entitled to the distinction of comeliness as well as of primogeniture. The rest may want the boasted loveliness of their predecessor, and be even uglier than "Lapland witches."

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Slavery, we are told in many a pamphlet, memorial, and speech with which the press has lately groaned, is a foul blot upon our otherwise immaculate reputation. Let this be conceded: yet you are no nearer than before to the conclusion that you possess power which may deal with other subjects as effectually as with this. Slavery, we are further told with some pomp of metaphor, is a canker at the root of all that is excellent in this republican empire, a pestilent disease that is snatching the youthful bloom from its cheek, prostrating its honor, and withering its strength. Be it so: yet if you have power to medicine to it in the way proposed and in virtue of the diploma which you claim, you have also power in the distribution of your political alexipharmics to present the deadliest drugs to every Territory that would become a State, and bid it drink or remain a colony forever. Slavery, we are also told, is now "rolling onward with a rapid tide towards the boundless regions of the West," threatening to doom them to sterility and sorrow

unless some potent voice can say to it, "Thus far shalt thou go, and no farther." Slavery engenders pride and indolence in him who commands, and inflicts intellectual and moral degradation on him who serves. Slavery, in fine, is unchristian and abominable. Sir, I shall not stop to deny that slavery is all this and more: but I shall not think myself the less authorized to deny it is for you to stay the course of this dark torrent by opposing to it a mound raised up by the labors of this portentous discretion on the domain of others,—a mound which you can not erect but through the instrumentality of a trespass of no ordinary kind: not the comparatively innocent trespass that beats down a few blades of grass which the first kind sun or the next refreshing shower may cause to spring again; but that which levels with the ground the lordliest trees of the forest, and claims immortality for the destruction which it inflicts.

I shall not, I am sure, be told that I exaggerate this power. It has been admitted here and elsewhere that I do not. But I want no such concession. It is manifest that as a discretionary power it is everything or nothing: that its head is in the clouds, or that it is a mere figment of enthusiastic speculation: that it has no existence, or that it is an alarming vortex ready to swallow up all such portions of the sovereignty of an infant State as you may think fit to cast into it as preparatory to the introduction into the Union of the miserable residue. No man can contradict me when I say, that if you have this power you may squeeze down a new-born sovereign State to the size of a pygmy, and then taking it between finger and thumb stick it into some niche of the Union, and still continue by way of mockery to call it *a State in the sense of the Constitution.* You may waste it to a shadow, and then introduce it into the society of flesh and blood—an object of scorn and derision. You may sweat and reduce it to a thing of skin and bone, and then place the ominous skeleton beside the ruddy and healthful members of the Union, that it may have leisure to mourn the lamentable difference between itself and its

companions, to brood over its disastrous promotion, and to seek in justifiable discontent an opportunity for separation, and insurrection, and rebellion. What may you not do by dexterity and perseverance with this terrific power? You may give to a new State, in the form of terms which it can not refuse (as I shall show you hereafter), a statute-book of a thousand volumes,—providing not for ordinary cases only, but even for possibilities: you may lay the yoke, no matter whether light or heavy, upon the necks of the latest posterity: you may send this searching power into every hamlet for centuries to come, by laws enacted in the spirit of prophecy, and regulating all those dear relations of domestic concern which belong to local legislation and which even local legislation touches with a delicate and sparing hand. This is the first inroad. But will it be the last? This provision is but a pioneer for others of a more desolating aspect. It is that fatal bridge of which Milton speaks: and when once firmly built, what shall hinder you to pass it when you please for the purpose of plundering power after power at the expense of new States, as you will still continue to call them, and raising up prospective codes irrevocable and immortal, which shall leave to those States the empty shadows of domestic sovereignty, and convert them into petty pageants, in themselves contemptible but rendered infinitely more so by the contrast of their humble faculties with the proud and admitted pretensions of those who, having doomed them to the inferiority of vassals, have condescended to take them into their society and under their protection?

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The free spirit of our Constitution and of our people is no assurance against the propension of unbridled power to abuse, when it acts upon colonial dependents rather than upon ourselves. Free states as well as despots have oppressed those whom they were bound to foster; and it is the nature of man that it should be so. The love of power, and the desire to display it when it can be done with im-

punity, is inherent in the human heart. Turn it out at the door, and it will in again at the window. Power is displayed in its fullest measure, and with a captivating dignity, by restraints and conditions. The *pruritus leges ferendi* [the itch for proposing laws] is a universal disease: and conditions are laws as far as they go. The vanity of human wisdom, and the presumption of human reason, are proverbial. This vanity and this presumption are often neither reasonable nor wise. Humanity, too, sometimes plays fantastic tricks with power. Time, moreover, is fruitful in temptations to convert discretionary power to all sorts of purposes.

Time, that withers the strength of man, and "strews around him like autumnal leaves the ruins of his proudest monuments," produces great vicissitudes in modes of thinking and feeling. It brings along with it in its progress new circumstances; new combinations and modifications of the old; generating new views, motives, and caprices, new fanaticisms of endless variety; in short, new everything. We ourselves are always changing: and what to-day we have but a small desire to attempt, to-morrow becomes the object of our passionate aspirations.

There is such a thing as enthusiasm—moral, religious, or political, or a compound of all three; and it is wonderful what it will attempt, and from what imperceptible beginnings it sometimes rises into a mighty agent. Rising from some obscure or unknown source, it first shows itself a petty rivulet, which scarcely murmurs over the pebbles that obstruct its way; then it swells into a fierce torrent, bearing all before it; and then again, like some mountain stream which occasional rains have precipitated upon the valley, it sinks once more into a rivulet, and finally leaves its channel dry. Such a thing has happened. I do not say that it is now happening. It would not become me to say so. But if it should occur, woe to the unlucky Territory that should be struggling to make its way into the Union at the moment when the opposing inundation was at its height, and at the

same instant this wide Mediterranean of discretionary powers, which it seems is ours, should open up all its sluices and with a consentaneous rush mingle with the turbid waters of the others!

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"New States *may* be admitted by the Congress into this Union." It is objected that the word "may" imports power, not obligation; a right to decide; a discretion to grant or refuse.

To this it might be answered, that *power* is *duty* on many occasions. But let it be conceded that it is discretionary: what consequence follows? A power to refuse, in a case like this, does not necessarily involve a power to exact terms. You must look to the *result* which is the declared object of the power. Whether you will arrive at it or not may depend on your will; but you can not compromise with the result intended and professed.

What then is the professed result? To admit a *State* into this *Union.*

What is that Union? A confederation of States equal in sovereignty; capable of everything which the Constitution does not forbid, or authorize Congress to forbid. It is an equal Union, between parties equally sovereign. They were sovereign, independently of the Union. The object of the Union was common protection for the exercise of already existing sovereignty. The parties gave up a portion of that sovereignty to insure the remainder. As far as they gave it up by the common compact, they have ceased to be sovereign. The *Union* provides the means of defending the residue: and it is into that Union that a new State is to come. By acceding to it the new State is placed on the same footing with the original States. It accedes for the same purpose, i.e. protection for its unsurrendered sovereignty. If it comes in shorn of its beams, crippled and disparaged beyond the original States, it is not into the *original Union* that it comes: for it is a different sort of Union. The first was Union *inter pares* [among equals]:

this is a Union between *disparates;* between giants and a dwarf; between power and feebleness; between full-proportioned sovereignties and a miserable image of power,—a thing which that very Union has shrunk and shrivelled from its just size instead of preserving it in its true dimensions.

It is into "this Union," i.e. the Union of the Federal Constitution, that you are to admit or refuse to admit: you can admit into no other. You can not make the Union, as to the new State, what it is not as to the old; for then it is not *this Union* that you open for the entrance of a new party. If you make it enter into a new and additional compact, is it any longer the same Union?

We are told that admitting a State into the Union is a compact. Yes; but what sort of a compact? A compact that it shall be a member of the Union as the Constitution has made it: you can not new fashion it. You may make a compact to admit; but when admitted the original compact prevails. The Union is a compact, with a provision of political power and agents for the accomplishment of its objects. Vary that compact as to a new State—give new energy to that political power, so as to make it act with more force upon a new State than upon the old—make the will of those agents more effectually the arbiter of the fate of a new State than of the old,—and it may be confidently said that the new State has not entered into *this Union* but into another Union. How far the Union has been varied is another question; but that it has been varied is clear.

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In a word, the whole amount of the argument on the other side is, That you may refuse to admit a new State, and that therefore if you admit you may prescribe the terms.

The answer to that argument is, That even if you can refuse, you can prescribe no terms which are inconsistent with the act you are to do. You can prescribe no conditions which, if carried into effect, would make the new State less a sovereign State than, under the Union as it stands, it would be. You can prescribe no terms which will make the

compact of union between it and the original States essentially different from that compact among the original States. You may admit, or refuse to admit: but if you admit, you must admit a State in the sense of the Constitution, a State with all such sovereignty as belongs to the original parties; and it must be into *this Union* that you are to admit it, not into a Union of your own dictating, formed out of the existing Union by qualifications and new compacts altering its character and effect, and making it fall short of its protecting energy in reference to the new State whilst it acquires an energy of another sort—the energy of restraint and destruction.

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One of the most signal errors with which the argument on the other side has abounded is this of considering the proposed restriction as if levelled at the *introduction or establishment of slavery.* And hence the vehement declamation which, among other things, has informed us that slavery originated in fraud or violence.

The truth is that the restriction has no relation, real or pretended, to the right of *making slaves of those who are free,* or of introducing slavery where it does not already exist. It applies to those who are admitted to be already slaves, and who (with their posterity) would continue to be slaves if they should remain where they are at present; and to a place where slavery already exists by the local law. Their civil condition will not be altered by their removal from Virginia or Carolina to Missouri. They will not be more slaves than they now are. Their abode, indeed, will be different, but their bondage the same. Their numbers may possibly be augmented by the diffusion, and I think they will: but this can only happen because their hardships will be mitigated and their comforts increased. The checks to population, which exist in the older States, will be diminished. The restriction, therefore, does not prevent the establishment of slavery either with reference to persons or place, but simply inhibits the removal from place to place

(the law in each being the same) of a slave, or make his emancipation the consequence of that removal. It acts professedly merely on slavery as it exists, and thus acting restrains its present lawful effects. That slavery, like many other human institutions, originated in fraud or violence may be conceded; but however it *originated,* it is established among us, and no man seeks a further establishment of it by new importations of freemen to be converted into slaves. On the contrary, all are anxious to mitigate its evils by all the means within the reach of the appropriate authority—the domestic legislatures of the different States.

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The honorable gentleman on the other side has told us as a proof of his great position (that man can not enslave his fellowman, in which is implied that all laws upholding slavery are absolute nullities) that the nations of antiquity as well as of modern times have concurred in laying down that position as incontrovertible.

[Here Mr. Pinkney considered the Roman law, and the English Magna Charta (1215), the Petition of Right (1628), and the Bill of Rights (1689) with a view to showing that they were not adverse to slavery.]

. . . And here I can not forbear to remark that we owe it to that same government, when it stood towards us in the relation of parent to child, that involuntary servitude exists in our land and that we are now deliberating whether the prerogative of correcting its evils belongs to the National or the State governments. In the early periods of our colonial history, everything was done by the mother country to encourage the importation of slaves into North America, and the measures which were adopted by the colonial assemblies to prohibit it were uniformly negatived by the crown. It is not therefore our fault, nor the fault of our ancestors, that this calamity has been entailed upon us: and notwithstanding the ostentation with which the loitering abolition of the slave-trade by the British Parliament has been vaunted, the principal consideration which at last

reconciled it to that measure was, that by suitable care the slave population in their West India islands (already fully stocked) might be kept up and even increased without the aid of importation. In a word, it was cold calculations of interest, and not the suggestions of humanity, or a respect for the philanthropic principles of Mr. Wilberforce, which produced their tardy abandonment of that abominable traffic.*

Of the Declaration of our Independence, which has also been quoted in support of the perilous doctrines now urged upon us, I need not now speak at large. I have shown on a former occasion how idle it is to rely upon that instrument for such a purpose, and I will not fatigue you by mere repetition. The self-evident truths announced in the Declaration of Independence are not truths at all, if taken literally; and the practical conclusions contained in the same passage of that Declaration prove that they were never designed to be so received.

[The Constitution is next cited as affording evidence of a sanction and protection to slavery in the clauses relating to the slave trade, the rendition of fugitive slaves, and the ratio of representation. Following this are several pages of argument to prove that the power to make a compact prohibiting slavery in a new State was not among those delegated to the Federal government.]

. . . . . .

But it seems, that although the proposed restriction may not be justified by the clause of the Constitution which gives power to admit new States into the Union, separately considered, there are other parts of the Constitution which, combined with that clause, will warrant it. And first, we are informed that there is a clause in this instrument which declares that Congress *shall* guarantee to every State a republican form of government: that slavery and such a

*The fact that in 1833 Parliament abolished slavery throughout the British dominions, with £20,000,000 compensation to owners, is sufficient refutation of Pinkney's charge.

form of government are incompatible: and finally, as a conclusion from these premises, that Congress not only have a *right,* but are *bound* to exclude slavery from a new State. Here again, sir, there is an edifying inconsistency between the argument and the measure which it professes to vindicate. By the argument it is maintained that Missouri can not have a republican form of government, and at the same time tolerate negro slavery. By the measure it is admitted that Missouri may tolerate slavery as to persons already in bondage there, and be nevertheless fit to be received into the Union. What sort of constitutional mandate is this which can thus be made to bend, and truckle, and compromise, as if it were a simple rule of expediency that might admit of exceptions upon motives of countervailing expediency? There can be no such pliancy in the peremptory provisions of the Constitution. They can not be obeyed by moieties, and violated in the same ratio. They must be followed out to their full extent, or treated with that decent neglect which has at least the merit of forbearing to render contumacy obtrusive by an ostentatious display of the very duty which we in part abandon. If the decalogue could be observed in this casuistical manner, we might be grievous sinners and yet be liable to no reproach. We might persist in all our *habitual* irregularities, and still be spotless. We might, for example, continue to covet our neighbors' goods, provided they were the same neighbors whose goods we had before coveted: and so of all the other commandments.

Will the gentlemen tell us that it is the *quantity of slaves,* not the *quality of slavery,* which takes from a government the republican form? Will they tell us (for they have not yet told us) that there are constitutional grounds (to say nothing of common sense), upon which the slavery which now exists in Missouri may be reconciled with a republican form of government, while any addition to the *number of its slaves* (the quality of slavery remaining the same) from the other States, will be repugnant to that

form, and metamorphose it into some nondescript government disowned by the Constitution? . . .

But let us proceed to take a rapid glance at the reasons which have been assigned for this notion that involuntary servitude and a republican form of government are perfect antipathies. The gentleman from New Hampshire [Mr. Morrill] has defined a republican government to be that in which all the *men* participate in its power and privileges; from whence it follows that where there are slaves, it can have no existence. A definition is no proof, however, and even if it be dignified (as I think it was) with the name of a maxim the matter is not much mended. It is Lord Bacon who says "that nothing is so easily made as a maxim;" and certainly a definition is manufactured with equal facility. A political maxim is the work of induction, and can not stand against experience or stand on anything but experience. But this maxim, or definition, or whatever else it may be, sets fact at defiance. If you go back to antiquity, you will obtain no countenance for this hypothesis; and if you look at home, you will gain still less. I have read that Sparta, and Rome, and Athens, and many others of the ancient family, were republics. They were so in form, undoubtedly—the last approaching nearer to a perfect democracy than any other government which has yet been known in the world. Judging of them also by their fruits, they were of the highest order of republics. Sparta could scarcely be any other than a republic, when a Spartan matron could say to her son just marching to battle, RETURN VICTORIOUS, OR RETURN NO MORE. It was the unconquerable spirit of liberty, nurtured by republican habits and institutions, that illustrated the pass of Thermopylæ. Yet slavery was not only tolerated in Sparta, but was established by one of the fundamental laws of Lycurgus having for its object the encouragement of that very spirit. Attica was full of slaves; yet the love of liberty was its characteristic. What else was it that foiled the whole power of Persia at Marathon and Salamis? What other

soil than that which the genial sun of republican freedom illuminated and warmed could have produced such men as Leonidas and Miltiades, Themistocles and Epaminondas? Of Rome it would be superfluous to speak at large. It is sufficient to name the mighty mistress of the world, before Sulla gave the first stab to her liberties and the great dictator [Julius Cæsar] accomplished their final ruin, to be reminded of the practicability of union between the civil slavery and an ardent love of liberty cherished by republican establishments.

If we return home for instruction upon this point, we perceive that same union exemplified in many a State in which "Liberty has a temple in every house, an altar in every heart" while involuntary servitude is seen in every direction. Is it denied that those States possess a republican form of government? If it is, why does our power of correction sleep? Why is the constitutional guaranty suffered to be inactive? Why am I permitted to fatigue you, as the representative of a slave-holding State, with the discussions of the *nugæ canoræ* [fine-sounding trifles] (for so I think them) that have been forced into this debate contrary to all the remonstrances of taste and prudence? Do gentlemen perceive the consequences to which their arguments must lead, if they are of any value? Do they reflect that they lead to emancipation in the old United States—or to an exclusion of Delaware, Maryland, and all the South, and a great portion of the West, from the Union? My honorable friend from Virginia has no business here, if this disorganizing creed be anything but the production of a heated brain. The State to which I belong must "perform a lustration"—must purge and purify herself from the feculence of civil slavery, and emulate the States of the North in their zeal for throwing down the gloomy idol which we are said to worship, before her Senators can have any title to appear in this high assembly. It will be in vain to urge that the old United States are exceptions to the rule; or rather (as the gentlemen express it) that they

have no *disposition* to apply the rule to them. There can be no exceptions by implication only to such a rule: and expressions which justify the exemption of the old States by inference, will justify the like exemption of Missouri unless they point exclusively to them, as I have shown they do not. The guarded manner, too, in which some of the gentlemen have occasionally expressed themselves on this subject, is somewhat alarming. They have no *disposition* to meddle with slavery in the old United States. Perhaps not: but who shall answer for their successors? Who shall furnish a pledge that the principle once ingrafted into the Constitution will not grow, and spread, and fructify, and overshadow the whole land? It is the natural office of such a principle to wrestle with slavery, wheresoever it finds it. New States, colonized by the apostles of this principle, will enable it to set on foot a fanatical crusade against all who still continue to tolerate it, although no practicable means are pointed out by which they can get rid of it consistently with their own safety. At any rate, a present forbearing disposition, in a few or in many, is not a security upon which much reliance can be placed, upon a subject as to which so many selfish interests and ardent feelings are connected with the cold calculations of policy. Admitting, however, that the old United States are in no danger from this principle, why is it so? There can be no other answer (which these zealous enemies of slavery can use) than that the Constitution recognizes slavery as existing or capable of existing in those States. The Constitution, then, admits that slavery and a republican form of government are not incongruous. It associates and binds them up together, and repudiates this wild imagination which the gentlemen have pressed upon us with such an air of triumph. But the Constitution does more, as I have heretofore proved. It concedes that slavery may exist in a new State, as well as in an old one—since the language in which it recognizes slavery comprehends new States as well as actual. I trust then that I shall be forgiven if I

suggest that no eccentricity in argument can be more trying to human patience than a formal assertion that [in] a Constitution to which slave-holding States were the most numerous parties, in which slaves are treated as property as well as persons, and provision is made for the security of that property and even for an augmentation of it by a temporary importation from Africa, a clause commanding Congress to guaranty a republican form of government to those very States, as well as to others, authorizes you to determine that slavery and a republican form of government can not coëxist.

. . . . . .

I have thus far allowed the honorable gentlemen to avail themselves of their assumption that the constitutional command to guaranty to the States a republican form of government gives power to coerce those States in the adjustment of the details of their constitutions upon theoretical speculations. But surely it is passing strange that any man, who thinks at all, can view this salutary command as the grant of a power so monstrous; or look at it in any other light than as a protecting mandate to Congress to interpose with the force and authority of the Union against that violence and usurpation by which a member of it might otherwise be oppressed by profligate and powerful individuals, or ambitious and unprincipled factions.

In a word, the resort to this portion of the Constitution for an argument in favor of the proposed restriction, is one of those extravagances (I hope I shall not offend by this expression) which may excite our admiration, but can not call for a very rigorous refutation. I have dealt with it accordingly, and have now done with it. . . .

15. DANIEL WEBSTER, of Massachusetts.—REPLY TO HAYNE

(Delivered in the U. S. Senate, January 26, 1830.)

The first measure passed by Congress after its organization in 1789 was a tariff act, and ever since then the tariff question has played a prominent part in American politics. Hamilton, in his great report on manufactures (1790), urged the application on a large scale of the principle of protection to young industries; but prior to the War of 1812 the average rate of duty on dutiable goods was only about fifteen per cent. The financial and industrial crisis of 1818-19, which ended the period of feverish speculation following upon the close of the Napoleonic wars in Europe, stimulated a new protectionist movement, whose half unconscious aim was "to make more easy the transition from the state of simple agriculture and commerce which prevailed before the War of 1812, to the more diversified condition which the operation of economic forces was reasonably certain to bring about after 1815." (Taussig, *Tariff History of the United States,* p. 106.) The iron manufacturers of Pennsylvania and the agriculturists of the Middle and Western States were the chief supporters of the new movement, and Henry Clay was its especial champion.

Daniel Webster. Born in New Hampshire, 1782; graduated from Dartmouth College, 1801; admitted to the bar at Boston, 1805, and entered upon practice at Portsmouth, N. H.; member of Congress from New Hampshire, 1813–17; removed to Boston, 1817; member of Massachusetts Constitutional Convention, 1820; Congressman from Massachusetts, 1822–1828; Senator from Massachusetts, 1828–41, and 1845–50; Secretary of State, 1841–45, and 1851–52; died at Marshfield, Mass., 1852.

The attitude of the South was at first friendly to protection; but Southern leaders soon saw that taxes levied by the tariff fell with peculiar weight on the slaveholding States, and opposition to a protective tariff became a central feature of their policy. In 1824 a new tariff act was passed, largely through the efforts of Speaker Clay, which slightly increased the rates of duty, especially on the wool which was the raw material of important New England manufactures. The passage of the act was resisted by the most considerable portion of New England, represented by Daniel Webster, and by John Randolph of Virginia, who thus expressed the Southern point of view: "This bill," said he, "is an attempt to reduce the country south of Mason and Dixon's line and east of the Alleghany mountains to a state worse than colonial bondage. . . . The merchants and manufacturers of Massachusetts, New Hampshire, the province of Maine and Sagadahoc, repel this bill, whilst men in hunting shirts, with deerskin leggings and moccasins on their feet, want protection for manufactures. . . . It is a bill, under pretense of regulating commerce, to take money from the pockets of a very large and (thank God!) contiguous territory, and put it into other pockets. I trust at least, if this bill passes, there will be a meeting of the members opposed to it, and a general and consentaneous resistance to its operation throughout the whole Southern country."

Four years later came the more extreme act of 1828, called by its enemies the "tariff of abominations." This measure led to the enunciation of Vice-President Calhoun's doctrine of Nullification, which taught that the enforcement of the tariff act might, on grounds of unconstitutionality, be forbidded by any State within its limits. In the Senate this doctrine was first explicitly set forth by Robert Y. Hayne, Senator from Calhoun's State, in 1830. It was

in reply to this speech that Webster, who was then in his first term as Senator from Massachusetts, delivered what may rightly be considered the greatest speech in American history.

The circumstances of that debate may briefly be stated. In December, 1829, Senator Foote of Connecticut moved an inquiry looking to the limitation of the sales of public lands to those tracts already in the market. This policy was resented by Senator Benton of Missouri as an attempt of the East to check the too rapid progress of the West; and in the far-ranging debate which followed, Senator Hayne sought to win the West to alliance with the South by an elaborate attack on the New England States. Webster replied the next day (January 20th); and Hayne then made a second and more powerful speech (January 24-25th) renewing his attack, vaunting the patriotism of South Carolina, and setting forth a full exposition of the doctrine of Nullification. With only such immediate preparation as he could crowd into a single night, Webster arose the next morning and delivered the speech which is here given.

The constitutional position of Hayne may be seen from the following extracts:

"Who then, Mr. President," he inquired towards the close of his speech, "are the true friends of the Union? Those who would confine the Federal government strictly within the limits prescribed by the Constitution; who would preserve to the States and the people all powers not expressly delegated; who would make this a Federal and not a National Union, and who, administering the government in a spirit of equal justice, would make it a blessing and not a curse. And who are its enemies? Those who are in favor of consolidation—who are constantly stealing power from the States, and adding strength to the Federal government;

who, assuming an unwarantable jurisdiction over the States and the people, undertake to regulate the whole industry and capital of the country. . . .

"Thus it will be seen, Mr. President, that the South Carolina doctrine is the Republican doctrine of '98 [embodied in the Virginia and Kentucky Resolutions]: that it was promulgated by the fathers of the faith—that it was maintained by Virginia and Kentucky in the worst of times —that it constituted the very pivot on which the political revolution of that day turned—that it embraces the very principles, the triumph of which, at that time, saved the Constitution at its last gasp, and which New England statesmen were not unwilling to adopt, when they believed themselves to be the victims of unconstitutional legislation [in the Embargo acts]. Sir, as to the doctrine that the Federal government is the exclusive judge of the extent as well as the limitations of its powers, it seems to me to be utterly subversive of the sovereignty and independence of the States. It makes but little difference, in my estimation, whether Congress or the Supreme Court are invested with this power. If the Federal government, in all or any of its departments, are to prescribe the limits of its own authority, and the States are bound to submit to the decision, and are not to be allowed to examine and decide for themselves when the barriers of the Constitution shall be overleaped, this is practically 'a government without limitation of powers'. The States are at once reduced to mere petty corporations, and the people are entirely at your mercy."

Of Webster's second reply to Hayne, Senator Lodge says: "This speech marks the highest point attained by Mr. Webster as a public man. He never surpassed it, he never equalled it afterwards. It was his zenith, intellectually, politically, and as an orator." (Lodge, *Daniel Webster,* p. 174.) The strength of the speech lies not in Webster's treatment of historical questions at issue—for on

many of these Hayne was doubtless right—but in the clearness and nobility of language with which he sets forth what the Constitution had then become in the eyes of the people of the North. "He defined the character of the Union," says Mr. Lodge, "as it existed in 1830, and that definition so magnificently stated, and with such grand eloquence, went home to the hearts of the people, and put into noble words the sentiment which they felt but had not expressed. . . . It set forth with every attribute of eloquence the nature of the Union as it had developed under the Constitution. He took the vague popular conception, and gave it life and form and character. He said, as he alone could say, the people of the United States are a nation, they are the masters of an empire, their union is indivisible; and the words which then rang out in the Senate Chamber have come down through long years of political conflict and of civil war, until at last they are part of the political creed of every one of his fellow-countrymen." (Lodge, *Daniel Webster,* pp. 179-180.) The appropriateness of Webster's opening paragraph, and the biting irony and dignified sarcasm with which he repudiated the imputations of his opponent, should also be noted. No man perhaps in all history ever had in greater measure the physical equipment of the orator than Webster; and in this speech the splendor of his language and the nobility of his thought were fully equal to the majesty of his manner.

[Daniel Webster, in the U. S. Senate, January 26, 1830.]

Mr. President: When the mariner has been tossed for many days, in thick weather, and on an unknown sea, he naturally avails himself of the first pause in the storm, the earliest glance of the sun, to take his latitude, and ascertain how far the elements have driven him from his true course. Let us imitate this prudence, and, before we float farther on the waves of this debate, refer to the point from which we departed, that we may at least be able to conjecture where we now are. I ask for the reading of the resolution.

[The resolution was then read.]

We have thus heard, sir, what the resolution is, which is actually before us for consideration; and it will readily occur to every one that it is almost the only subject about which something has not been said in the speech, running through two days, by which the Senate has been now entertained by the gentleman from South Carolina. Every topic in the wide range of our public affairs, whether past or present—everything, general or local, whether belonging to national politics, or party politics, seems to have attracted more or less of the honorable member's attention, save only the resolution before the Senate. He has spoken of everything but the public lands. They have escaped his notice. To that subject, in all his excursions, he has not paid even the cold respect of a passing glance.

When this debate, sir, was to be resumed on Thursday morning, it so happened that it would have been convenient for me to be elsewhere. The honorable member, however, did not incline to put off the discussion to another day. He had a shot, he said, to return, and he wished to discharge it. That shot, sir, which it was kind thus to inform us was coming, that we might stand out of the way, or prepare ourselves to fall before it, and die with decency, has now been received. Under all advantages, and with expectation awakened by the tone which preceded it, it has been discharged, and has spent its force. It may become me to

say no more of its effect, than that, if nobody is found, after all, either killed or wounded by it, it is not the first time, in the history of human affairs, that the vigor and success of the war have not quite come up to the lofty and sounding phrase of the manifesto. . . .

The honorable member complained that I had slept on his speech. I must have slept on it, or not slept at all. . . . I did sleep on the gentleman's speech; and slept soundly. And I slept equally well on his speech of yesterday, to which I am now replying. . . . But the gentleman inquires why *he* was made the object of such a reply? . . . He proceeded to ask me whether I had turned upon him, in this debate, from the consciousness that I should find an overmatch if I ventured on a contest with his friend from Missouri [Mr. Benton]. . . . The tone and manner of the gentleman's question . . . had an air of taunt and disparagement, something of the loftiness of asserted superiority, which does not allow me to pass over it without notice. . . . It seems to me, sir, that this is extraordinary language, and an extraordinary tone, for the discussions of this body.

Matches and overmatches! Those terms are more applicable elsewhere than here, and fitter for other assemblies than this. Sir, the gentleman seems to forget where and what we are. This is a Senate; a Senate of equals: of men of individual honor and personal character, and of absolute independence. We know no masters: we acknowledge no dictators. This is a hall for mutual consultation and discussion; not an arena for the exhibition of champions. I offer myself, sir, as a match for no man; I throw the challenge of debate at no man's feet. But then, sir, since the honorable member has put the question for an answer, I will give him an answer; and I tell him that, holding myself to be the humblest of the members here, I yet know nothing in the arm of his friend from Missouri, either alone or when aided by the arm of *his* friend from South Carolina, that need deter even me from espousing whatever

opinions I may choose to espouse, from debating whenever I may choose to debate, or from speaking whatever I may see fit to say, on the floor of the Senate. . . . Sir, I shall not allow myself on this occasion, I hope on no occasion, to be betrayed into any loss of temper; but if provoked, as I trust I never shall be, into crimination and recrimination, the honorable member may perhaps find that, in that contest, there will be blows to take as well as blows to give; that others can state comparisons as significant, at least, as his own; and that his impunity may possibly demand of him whatever powers of taunt and sarcasm he may possess. I commend him to a prudent husbandry of his resources.

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We approach, at length, sir, to a more important part of the honorable gentleman's observations. Since it does not accord with my views of justice and policy to give away the public lands altogether, as mere matter of gratuity, I am asked by the honorable gentleman on what ground it is that I consent to vote them away in particular instances? How, he inquires, do I reconcile with these professed sentiments my support of measures appropriating portions of the lands to particular roads, particular canals, particular rivers, and particular institutions of education in the West? This leads, sir, to the real and wide difference, in political opinion, between the honorable gentleman and myself. On my part, I look upon all these objects as connected with the common good, fairly embraced in its object and its terms; he, on the contrary, deems them all, if good at all, only local good. This is our difference. The interrogatory which he proceeded to put, at once explains this difference. "What interest," asks he, "has South Carolina in a canal in Ohio?" Sir, this very question is full of significance. It develops the gentleman's whole political system; and its answer expounds mine. Here we differ. I look upon a road over the Alleghany, a canal round the falls of the Ohio, or a canal or railway from the

Atlantic to the western waters, as being an object large and extensive enough to be fairly said to be for the common benefit. The gentleman thinks otherwise, and this is the key to open his construction of the powers of the government. He may well ask what interest has South Carolina in a canal in Ohio? On his system, it is true, she has no interest. On that system, Ohio and Carolina are different governments, and different countries: connected here, it is true, by some slight and ill-defined bond of union, but, in all main respects, separate and diverse. On that system, Carolina has no more interest in a canal in Ohio than in Mexico. The gentleman, therefore, only follows out his own principles; he does no more than arrive at the natural conclusions of his own doctrines; he only announces the true results of that creed, which he has adopted himself, and would persuade others to adopt, when he thus declares that South Carolina has no interest in a public work in Ohio. Sir, we narrow-minded people of New England do not reason thus. Our notion of things is entirely different. We look upon the States not as separated, but as united. We love to dwell on that union, and on the mutual happiness which it has so much promoted, and the common renown which it has so greatly contributed to acquire. In our contemplation, Carolina and Ohio are parts of the same country; States, united under the same general government, having interests, common, associated, intermingled. In whatever is within the proper sphere of the constitutional power of this government, we look upon the States as one. We do not impose geographical limits to our patriotic feeling or regard; we do not follow rivers and mountains, and lines of latitude, to find boundaries beyond which public improvements do not benefit us. We who come here, as agents and representatives of these narrow-minded and selfish men of New England, consider ourselves as bound to regard, with an equal eye, the good of the whole, in whatever is within our power of legislation. Sir, if a railroad or canal, beginning in South

Carolina and ending in South Carolina, appeared to me to be of national importance and national magnitude, believing, as I do, that the power of government extends to the encouragement of works of that description, if I were to stand up here, and ask, what interest has Massachusetts in a railroad in South Carolina, I should not be willing to face my constituents. These same narrow-minded men would tell me that they had sent me to act for the whole country, and that one who possessed too little comprehension, either of intellect or feeling—one who was not large enough, both in mind and in heart, to embrace the whole—was not fit to be entrusted with the interest of any part. Sir, I do not desire to enlarge the powers of the government, by unjustifiable construction; nor to exercise any not within a fair interpretation. But when it is believed that a power does exist, then it is, in my judgment, to be exercised for the general benefit of the whole. So far as respects the exercise of such a power, the States are one. It was the very object of the Constitution to create unity of interests to the extent of the powers of the general government. In war and peace we are one; in commerce, one; because the authority of the general government reaches to war and peace, and to the regulation of commerce. I have never seen any more difficulty in erecting light-houses on the lakes than on the ocean; in improving the harbors of inland seas, than if they were within the ebb and flow of the tide; or of removing obstructions in the vast streams of the West, more than in any work to facilitate commerce on the Atlantic coast. If there be any power for one, there is power also for the other; and they are all and equally for the common good of the country.

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The tariff, which South Carolina had an efficient hand in establishing in 1816, and this asserted power of internal improvement advanced by her in the same year, and as we have seen approved and sanctioned by her representatives in 1824,—these two measures are the great grounds on

which she is now thought to be justified in breaking up the Union, if she sees fit to break it up!

I may now safely say, I think, that we have had the authority of leading and distinguished gentlemen from South Carolina, in support of the doctrine of internal improvement. I repeat, that, up to 1824, I for one, followed South Carolina; but when that star, in its ascension, veered off in an unexpected direction, I relied on its light no longer.

. . . The strenuous toil of the gentleman has been to raise an inconsistency, between my dissent to the tariff in 1824, and my vote in 1828. It is labor lost. . . . With a great majority of the Representatives of Massachusetts, I voted against the tariff of 1824. . . . But, notwithstanding our dissent, the great States of New York, Pennsylvania, Ohio, and Kentucky, went for the bill, in almost unbroken column, and it passed. Congress and the President sanctioned it, and it became the law of the land. What, then, were we to do? Our only option was, either to fall in with this settled course of public policy, and accommodate ourselves to it as well as we could, or to embrace the South Carolina doctrine, and talk of nullifying the statute by State interference.

The last alternative did not suit our principles, and, of course, we adopted the former. In 1827, the subject came again before Congress, on a proposition favorable to wool and woollens. We looked upon the system of protection as being fixed and settled. . . . Because we had doubted about adopting the system, were we to refuse to cure its manifest defects, after it became adopted, and when no one attempted its repeal? And this, sir, is the inconsistency so much bruited. I had voted against the tariff of 1824—but it passed; and in 1827 and 1828, I voted to amend it, in a point essential to the interest of my constituents. Where is the inconsistency? . . .

Sir, as to the general subject of the tariff, I have little now to say. . . . I remarked the other day, that this

policy did not begin with us in New England; and yet, sir, New England is charged, with vehemence, as being favorable, or charged with equal vehemence as being unfavorable, to the tariff policy, just as best suits the time, place, and occasion for making some charge against her. The credulity of the public has been put to its extreme capacity of false impression, relative to her conduct, in this particular. Through all the South, during the late contest, it was New England policy, and a New England administration, that was afflicting the country with a tariff beyond all endurance; while on the other side of the Alleghany, even the act of 1828 itself, the very sublimated essence of oppression, according to Southern opinions, was pronounced to be one of those blessings, for which the West was indebted to the "generous South."

With large investments in manufacturing establishments, and many and various interests connected with and dependent upon them, it is not to be expected that New England, any more than other portions of the country, will now consent to any measure destructive or highly dangerous. The duty of the government, at the present moment, would seem to be to preserve, not to destroy; to maintain the position which it has assumed; and for one I shall feel it an indispensable obligation to hold it steady, as far as in my power, to that degree of protection which it has undertaken to bestow. No more of the tariff.

Professing to be provoked, by what he chose to consider a charge made by me against South Carolina, the honorable member, Mr. President, has taken up a new crusade against New England. . . . For a good long hour or two, we had the unbroken pleasure of listening to the honorable member, while he recited, with his usual grace and spirit, and with evident high gusto, speeches, pamphlets, addresses, and all the "et ceteras" of the political press, such as warm heads produce in warm times; and such as it would be "discomfiture" indeed, for any one, whose taste did not delight in that sort of reading, to be obliged to peruse.

This is his war. This is to carry the war into the enemy's country. It is in invasion of this sort, that he flatters himself with the expectation of gaining laurels fit to adorn a Senator's brow!

. . . Let me observe, that the eulogium pronounced on the character of the State of South Carolina, by the honorable gentleman, for her revolutionary and other merits, meets my hearty concurrence. I shall not acknowledge that the honorable member goes before me in regard for whatever of distinguished talent, or distinguished character, South Carolina has produced. I claim part of the honor, I partake in the pride, of her great names. I claim them for countrymen, one and all. . . . When I shall be found, sir, in my place here, in the Senate, or elsewhere, to sneer at public merit because it happens to spring up beyond the little limits of my own State or neighborhood; when I refuse, for any such cause, or for any cause, the homage due to American talent, to elevated patriotism, to sincere devotion to liberty, and the country; or, if I see an uncommon endowment of Heaven—if I see extraordinary capacity and virtue in any son of the South—and if, moved by local prejudice, or gangrened by State jealousy, I get up here to abate the tithe of a hair from his just character and just fame, may my tongue cleave to the roof of my mouth!

Sir, . . . let me remind you that in early times, no States cherished greater harmony, both of principle and feeling, than Massachusetts and South Carolina. Would to God that harmony might again return! Shoulder to shoulder they went through the Revolution, hand in hand they stood round the administration of Washington, and felt his own great arm lean on them for support. Unkind feeling, if it exist, alienation and distrust, are the growth, unnatural to such soils, of false principles since sown. They are weeds, the seeds of which that same great arm never scattered.

Mr. President, I shall enter on no encomium upon Mas-

sachusetts—she needs none. There she is—behold her, and judge for yourselves. There is her history: the world knows it by heart. The past, at least, is secure. There is Boston, and Concord, and Lexington, and Bunker Hill—and there they will remain forever. The bones of her sons, falling in the great struggle for Independence, now lie mingled with the soil of every State, from New England to Georgia; and there they will lie forever. And, sir, where American Liberty raised its first voice, and where its youth was nurtured and sustained, there it still lives, in the strength of its manhood and full of its original spirit. If discord and disunion shall wound it—if party strife and blind ambition shall hawk at and tear it—if folly and madness—if uneasiness, under salutary and necessary restraint—shall succeed to separate it from that Union, by which alone its existence is made sure, it will stand, in the end, by the side of that cradle in which its infancy was rocked: it will stretch forth its arm with whatever of vigor it may still retain, over the friends who gather round it; and it will fall at last, if fall it must, amidst the proudest monuments of its own glory, and on the very spot of its origin.

There yet remains to be performed, Mr. President, by far the most grave and important duty, which I feel to be devolved on me, by this occasion. It is to state, and to defend, what I conceive to be the true principles of the Constitution under which we are here assembled. I might well have desired that so weighty a task should have fallen into other and abler hands. I could have wished that it should have been executed by those whose character and experience give weight and influence to their opinions, such as can not possibly belong to mine. But, sir, I have met the occasion, not sought it: and I shall proceed to state my own sentiments, without challenging for them any particular regard, with studied plainness, and as much precision as possible.

I understand the honorable gentleman from South Carolina to maintain, that it is a right of the State legislatures

to interfere, whenever, in their judgment, this government transcends its constitutional limits, and to arrest the operation of its laws.

I understand him to maintain this right, as a right existing under the Constitution, not as a right to overthrow it on the ground of extreme necessity, such as would justify violent revolution.

I understand him to maintain an authority on the part of the States thus to interfere for the purpose of correcting the exercise of power by the general government, of checking it, and of compelling it to conform to their opinion of the extent of its powers.

I understand him to maintain that the ultimate power of judging of the constitutional extent of its own authority is not lodged exclusively in the general government, or any branch of it; but that, on the contrary, the States may lawfully decide for themselves, and each State for itself, whether in a given case the act of the general government transcends its power.

I understand him to insist that if the exigency of the case, in the opinion of any State government, require it, such State government may, by its own sovereign authority, annul an act of the general government which it deems plainly and palpably unconstitutional.

This is the sum of what I understand from him to be the South Carolina doctrine, and the doctrine which he maintains. I propose to consider it, and compare it with the Constitution. Allow me to say, as a preliminary remark, that I call this the South Carolina doctrine only because the gentleman himself has so denominated it. I do not feel at liberty to say that South Carolina, as a State, has ever advanced these sentiments. I hope she has not, and never may. That a great majority of her people are opposed to the tariff laws, is doubtless true. That a majority somewhat less than that just mentioned, conscientiously believe these laws unconstitutional, may probably also be true. But that any majority holds to the right of direct

State interference, at State discretion,—the right of nullifying acts of Congress by acts of State legislation,—is more than I know, and what I shall be slow to believe.

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What he contends for is, that it is constitutional to interrupt the administration of the Constitution itself, in the hands of those who are chosen and sworn to administer it, by the direct interference, in form of law, of the State, in virtue of their sovereign capacity. The inherent right in the people to reform the government I do not deny: and they have another right, and that is, to resist unconstitutional laws without overturning the government. It is no doctrine of mine that unconstitutional laws bind the people. The great question is, whose prerogative is it to decide on the constitutionality or unconstitutionality of the laws? On that the main debate hinges. The proposition that, in case of a supposed violation of the Constitution by Congress, the States have a constitutional right to interfere and annul the law of Congress, is the proposition of the gentleman: I do not admit it. If the gentleman had intended no more than to assert the right of revolution for justifiable cause, he would have said only what all agree to. But I can not conceive that there can be a middle course between submission to the laws when regularly pronounced constitutional, on the one hand, and open resistance,—which is revolution, or rebellion,—on the other. I say, the right of a State to annul a law of Congress can not be maintained but on the ground of the unalienable right of man to resist oppression; that is to say, upon the ground of revolution. I admit that there is an ultimate violent remedy, above the Constitution and in defiance of the Constitution, which may be resorted to when a revolution is to be justified. But I do not admit that, under the Constitution, and in conformity with it, there is any mode in which a State government, as a member of the Union, can interfere and stop the progress of the general government, by force of her own laws, under any circumstances whatever.

This leads us to inquire into the origin of this government, and the source of its power. Whose agent is it? Is it the creature of the State legislatures, or the creature of the people? If the government of the United States be the agent of the State governments, then they may control it, provided they can agree in the manner of controlling it; if it be the agent of the people, then the people alone can control it, restrain it, modify or reform it. It is observable enough, that the doctrine for which the honorable gentleman contends, leads him to the necessity of maintaining, not only that this general government is the creature of the States, but that it is the creature of each of the States severally; so that each may assert the power, for itself, of determining whether it acts within the limits of its authority. It is the servant of four and twenty masters, of different wills and different purposes, and yet bound to obey all. This absurdity (for it seems no less) arises from a misconception as to the origin of this government and its true character. It is, sir, the people's Constitution, the people's government; made for the people; made by the people; and answerable to the people. The people of the United States have declared that this Constitution shall be the supreme law. We must either admit the proposition, or dispute their authority. The States are, unquestionably, sovereign so far as their sovereignty is not affected by this supreme law. But the State legislatures as political bodies, however sovereign, are yet not sovereign over the people. So far as the people have given power to the general government, so far the grant is unquestionably good, and the government holds of the people and not of the State governments. We are all agents of the same supreme power, the people. The general government and the State governments derive their authority from the same source. Neither can, in relation to the other, be called primary, though one is definite and restricted and the other general and residuary. The national government possesses those powers which it can be shown the people have conferred on it, and no more. All

the rest belongs to the State governments or to the people themselves. So far as the people have restrained State sovereignty, by the expression of their will in the Constitution of the United States, so far it must be admitted State sovereignty is effectually controlled. I do not contend that it is, or ought to be, controlled farther. The sentiment to which I have referred propones that State sovereignty is only to be controlled by its own "feeling of justice:" that is to say, it is not to be controlled at all; for one who is to follow his own feelings is under no legal control. Now, however men may think this ought to be, the fact is that the people of the United States have chosen to impose control on State sovereignties. There are those, doubtless, who wish they had been left without restraint; but the Constitution has ordered the matter differently. To make war, for instance, is an exercise of sovereignty; but the Constitution declares that no State shall make war. To coin money is another exercise of sovereign power; but no State is at liberty to coin money. Again, the Constitution says that no sovereign State shall be so sovereign as to make a treaty. These prohibitions, it must be confessed, are a control on the State sovereignty of South Carolina, as well as of the other States, which does not arise "from her own feelings of honorable justice." Such an opinion, therefore, is in defiance of the plainest provisions of the Constitution.

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In Carolina the tariff is a palpable, deliberate usurpation; Carolina, therefore, may nullify it, and refuse to pay the duties. In Pennsylvania it is both clearly constitutional and highly expedient; and there the duties are to be paid. And yet we live under a government of uniform laws, and under a Constitution, too, which contains an express provision, as it happens, that all duties shall be equal in all the States. Does not this approach absurdity?

If there be no power to settle such questions, independent of either of the States, is not the whole Union a rope of

sand? Are we not thrown back again precisely upon the old Confederation?

It is too plain to be argued. Four and twenty interpreters of constitutional law, each with a power to decide for itself, and none with authority to bind anybody else, and this constitutional law the only bond of their Union! What is such a state of things but a mere connection during pleasure or, to use the phraseology of the times, during feeling? And that feeling, too, not the feeling of the people, who established the Constitution, but the feeling of the State governments.

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And now, sir, what I have first to say on this subject is, that, at no time, and under no circumstances, has New England, or any State in New England, or any respectable body of persons in New England, or any public man of standing in New England, put forth such a doctrine as this Carolina doctrine. . . .

No doubt, sir, a great majority of the people of New England conscientiously believed the embargo law of 1807 unconstitutional; as conscientiously, certainly, as the people of South Carolina hold that opinion of the tariff. . . . How did Massachusetts deal with it? It was, as she thought, a plain, manifest, palpable violation of the Constitution, and it brought ruin to her doors. Thousands of families, and hundreds of thousands of individuals, were beggared by it. While she saw and felt all this, she saw and felt, also, that as a measure of national policy it was perfectly futile; that the country was no way benefited by that which caused so much individual distress; that it was efficient only for the production of evil, and all that evil inflicted on ourselves. In such a case, under such circumstances, how did Massachusetts demean herself? Sir, she remonstrated, she memorialized, she addressed herself to the general government, not exactly "with the concentrated energy of passion," but with her own strong sense, and the energy of sober conviction. But she did not interpose the

arm of her own power to arrest the law, and break the embargo. Far from it. Her principles bound her to two things; and she followed her principles, lead where they might. First, to submit to every constitutional law of Congress; and secondly, if the constitutional validity of the law be doubted, to refer that question to the decision of the proper tribunals. . . .

Being fully of opinion that the embargo law was unconstitutional, the people of New England were yet equally clear in the opinion—it was a matter they did not doubt upon—that the question, after all, must be decided by the judicial tribunals of the United States. Before those tribunals, therefore, they brought the question. . . . The established tribunals pronounced the law constitutional, and New England acquiesced. Now, sir, is not this the exact opposite of the doctrine of the gentleman from South Carolina? . . .

I wish now, sir, to make a remark upon the Virginia Resolutions of 1798. I can not undertake to say how these resolutions were understood by those who passed them. Their language is not a little indefinite. In the case of the exercise by Congress, of a dangerous power, not granted to them, the resolutions assert the right on the part of the State to interfere and arrest the progress of the evil. This is susceptible of more than one interpretation. It may mean no more than that the States may interfere by complaint and remonstrance, or by proposing to the people an alteration of the Federal Constitution. This would all be quite unobjectionable. Or it may be that no more is meant than to assert the general right of revolution, as against all governments, in cases of intolerable oppression. This no one doubts; and this, in my opinion, is all that he who framed the resolutions [Mr. Madison] could have meant by it: for I shall not readily believe that he was ever of opinion that a State, under the Constitution and in conformity with it, could upon the ground of her own opinion of its unconstitutionality, however clear and palpable she

might think the case, annul a law of Congress so far as it should operate on herself by her own legislative power.

I must now beg to ask, sir, whence is this supposed right of the States derived?—where do they find the power to interfere with the laws of the Union? Sir, the opinion which the honorable gentleman maintains is a notion, founded in a total misapprehension, in my judgment, of the origin of this government, and of the foundation on which it stands. I hold it to be a popular government, erected by the people; those who administer it, responsible to the people; and itself capable of being amended and modified, just as the people may choose it should be. It is as popular, just as truly emanating from the people, as the State governments. It is created for one purpose; the State governments for another. It has its own powers; they have theirs. There is no more authority with them to arrest the operation of a law of Congress, than with Congress to arrest the operation of their laws. We are here to administer a Constitution emanating immediately from the people, and trusted by them to our administration. It is not the creature of the State governments. It is of no moment to the argument, that certain acts of the State legislatures are necessary to fill our seats in this body. That is not one of their original State powers, a part of the sovereignty of the State. It is a duty which the people, by the Constitution itself, have imposed on the State legislatures; and which they might have left to be performed elsewhere, if they had seen fit. So they have left the choice of President with electors; but all this does not affect the proposition, that this whole government—President, Senate, and House of Representatives—is a popular government. It leaves it still all its popular character. The governor of a State (in some of the States) is chosen, not directly by the people, but by those who are chosen by the people, for the purpose of performing among other duties that of electing a governor. Is the government of the State, on that account, not a popular government? This government, sir, is the

independent offspring of the popular will. It is not the creature of State legislatures; nay, more, if the whole truth must be told, the people brought it into existence, established it, and have hitherto supported it, for the very purpose, amongst others, of imposing certain salutary restraints on State sovereignties. The States can not now make war; they can not contract alliances; they can not make, each for itself, separate regulations of commerce; they can not lay imposts; they can not coin money. If this Constitution, sir, be the creature of State legislatures, it must be admitted that it has obtained a strange control over the volitions of its creators.

The people then, sir, erected this government. They gave it a Constitution, and in that Constitution they have enumerated the powers which they bestow on it. They have made it a limited government. They have defined its authority. They have restrained it to the exercise of such powers as are granted; and all others, they declare, are reserved to the States, or the people. But, sir, they have not stopped here. If they had, they would have accomplished but half their work. No definition can be so clear, as to avoid possibility of doubt; no limitation so precise, as to exclude all uncertainty. Who, then, shall construe this grant of the people? Who shall interpret their will, where it may be supposed they have left it doubtful? With whom do they repose this ultimate right of deciding on the powers of the government? Sir, they have settled all this in the fullest manner. They have left it with the government itself, in its appropriate branches. Sir, the very chief end, the main design, for which the whole Constitution was framed and adopted, was to establish a government that should not be obliged to act through State agency, or depend on State opinion and State discretion. The people had had quite enough of that kind of government, under the Confederacy. Under that system, the legal action—the application of law to individuals—belonged exclusively to the States. Congress could only recommend—their acts

were not of binding force till the States had adopted and sanctioned them. Are we in that condition still? Are we yet at the mercy of State discretion, and State construction? Sir, if we are, then vain will be our attempt to maintain the Constitution under which we sit.

But, sir, the people have wisely provided, in the Constitution itself, a proper, suitable mode and tribunal for settling questions of constitutional law. There are, in the Constitution, grants of powers to Congress; and restrictions on these powers. There are, also, prohibitions on the States. Some authority must, therefore, necessarily exist, having the ultimate jurisdiction to fix and ascertain the interpretation of these grants, restrictions, and prohibitions. The Constitution has itself pointed out, ordained, and established that authority. How has it accomplished this great and essential end? By declaring, sir, that "the Constitution and the laws of the United States, made in pursuance thereof, shall be the supreme law of the land, anything in the constitution or laws of any State to the contrary notwithstanding."

This, sir, was the first great step. By this the supremacy of the Constitution and laws of the United States is declared. The people so will it. No State law is to be valid, which comes in conflict with the Constitution, or any law of the United States passed in pursuance of it. But who shall decide this question of interference? To whom lies the last appeal? This, sir, the Constitution itself decides, also, by declaring, "that the judicial power shall extend to all cases arising under the Constitution and laws of the United States." These two provisions, sir, cover the whole ground. They are, in truth, the keystone of the arch. With these it is a constitution; without them it is a confederacy. In pursuance of these clear and express provisions, Congress established, at its very first session, in the judicial act, a mode for carrying them into full effect, and for bringing all questions of constitutional power to the final decision of the Supreme Court. It then, sir, became a government.

It then had the means of self-protection; and, but for this, it would, in all probability, have been now among things which are past. Having constituted the government, and declared its powers, the people have further said, that since somebody must decide on the extent of these powers, the government shall itself decide; subject, always, like other popular governments, to its responsibility to the people. And now, sir, I repeat, how is it that a State legislature acquires any power to interfere? Who, or what, gives them the right to say to the people, "We, who are your agents and servants for one purpose, will undertake to decide that your other agents and servants, appointed by you for another purpose have transcended the authority you gave them!" The reply would be, I think, not impertinent: "Who made you a judge over another's servants? To their own masters they stand or fall."

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And now, Mr. President, let me run the honorable gentleman's doctrine a little into its practical application. Let us look at his probable *modus operandi* [mode of operation]. If a thing can be done, an ingenious man can tell how it is to be done. Now I wish to be informed, how this State interference is to be put in practice without violence, bloodshed, and rebellion. We will take the existing case of the tariff law. South Carolina is said to have made up her opinion upon it. If we do not repeal it (as we probably shall not), she will then apply to the case the remedy of her doctrine. She will, we must suppose, pass a law of her legislature, declaring the several acts of Congress, usually called the tariff laws, null and void, so far as they respect South Carolina, or the citizens thereof. So far, all is a paper transaction, and easy enough. But the collector at Charleston is collecting the duties imposed by these tariff laws: he therefore must be stopped. The collector will seize the goods if the tariff duties are not paid. The State authorities will undertake their rescue; the marshal, with his posse, will come to the collector's aid, and

here the contest begins. The militia of the State will be called out to sustain the nullifying act. They will march, sir, under a very gallant leader: for I believe the honorable member himself commands the militia of that part of the State. He will raise the nullifying act on his standard, and spread it out as his banner! It will have a preamble, bearing, That the tariff laws are palpaple, deliberate, and dangerous violations of the Constitution! He will proceed with this banner flying to the custom-house in Charleston:

"All the while,
Sonorous metal, blowing martial sounds."

Arrived at the custom-house, he will tell the collector that he must collect no more duties under any of the tariff laws. This he will be somewhat puzzled to say, by the way, with a grave countenance, considering what hand South Carolina herself had in that of 1816. But, sir, the collector would probably not desist at his bidding. He would show him the law of Congress, the treasury instruction, and his own oath of office. He would say, he should perform his duty, come what might. Here would ensue a pause: for they say that a certain stillness precedes the tempest. The trumpeter would hold his breath awhile, and before all this military array should fall on the custom-house, collector, clerks, and all, it is very probable some of those composing it would request of their gallant commander-in-chief to be informed a little upon the point of law; for they have, doubtless, a just respect for his opinions as a lawyer, as well as for his bravery as a soldier. They know he has read Blackstone and the Constitution, as well as Turrene and Vauban [writers on military science]. They would ask him, therefore, something concerning their rights in this matter. They would inquire, whether it was not somewhat dangerous to resist a law of the United States. What would be the nature of their offense, they would wish to learn, if they by military force and array resisted the execution in Carolina of a law of the United States, and it

should turn out after all that the law was constitutional? He would answer, of course, treason. No lawyer could give any other answer. John Fries [leader of a rebellion in Pennsylvania, in 1799, against a direct tax levied by Congress], he would tell them, had learned that some years ago. How, then, they would ask, do you propose to defend us? We are not afraid of bullets, but treason has a way of taking people off that we do not much relish. How do you propose to defend us? "Look at my floating banner," he would reply; "see there the nullifying law!" Is it your opinion, gallant commander, they would then say, that if we should be indicted for treason, that same floating banner of yours would make a good plea in bar? "South Carolina is a sovereign State," he would reply. That is true—but would the judge admit our plea? "These tariff laws," he would repeat, "are unconstitutional, palpably, deliberately, dangerously." That all may be so; but if the tribunal should not happen to be of that opinion, shall we swing for it? We are ready to die for our country, but it is rather an awkward business, this dying without touching the ground! After all, that is a sort of hemp tax, worse than any part of the tariff.

Mr. President, the honorable gentleman would be in a dilemma, like that of another great general [Alexander the Great]. He would have a knot before him which he could not untie. He must cut it with his sword. He must say to his followers, defend yourselves with your bayonets; and this is war—civil war.

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The honorable gentleman argues, that if this government be the sole judge of the extent of its own powers, whether that right of judging be in Congress or the Supreme Court, it equally subverts State sovereignty. This the gentleman sees, or thinks he sees, although he can not perceive how the right of judging in this matter, if left to the exercise of State legislatures, has any tendency to subvert the government of the Union. The gentleman's opinion may be

that the right ought not to have been lodged with the general government; he may like better such a constitution as we should have under the right of State interference: but I ask him to meet me on the plain matter of fact; I ask him to meet me on the Constitution itself; I ask him if the power is not found there—clearly and visibly found there? . . .

If anything be found in the national Constitution, either by original provision or subsequent interpretation, which ought not to be in it, the people know how to get rid of it. If any construction be established unacceptable to them, so as to become practically a part of the Constitution, they will amend it at their own sovereign pleasure: but while the people choose to maintain it as it is,—while they are satisfied with it and refuse to change it,—who has given, or who can give, to the State legislatures a right to alter it, either by interference, construction, or otherwise? Gentlemen do not seem to recollect that the people have any power to do anything for themselves; they imagine there is no safety for them, any longer than they are under the close guardianship of the State legislatures. Sir, the people have not trusted their safety, in regard to the general Constitution, to these hands. They have required other security, and taken other bonds. They have chosen to trust themselves, first, to the plain words of the instrument, and to such construction as the government itself, in doubtful cases, should put on its own powers, under their oaths of office and subject to their responsibility to them: just as the people of a State trust their own State governments with a similar power. Secondly, they have reposed their trust in the efficacy of frequent elections, and in their own power to remove their own servants and agents, whenever they see cause. Thirdly, they have reposed trust in the judicial power, which in order that it might be trustworthy, they have made as respectable, as disinterested, and as independent as was practicable. Fourthly, they have seen fit to rely, in case of necessity or high expediency, on their known

and admitted power to alter or amend the Constitution, peaceably and quietly, whenever experience shall point out defects or imperfections. And finally, the people of the United States have at no time, in no way, directly or indirectly, authorized any State legislature to construe or interpret their high instrument of government; much less to interfere, by their own power, to arrest its course and operation.

If, sir, the people, in these respects, had done otherwise than they have done, their Constitution could neither have been preserved, nor would it have been worth preserving. And if its plain provisions shall now be disregarded, and these new doctrines interpolated in it, it will become as feeble and helpless a being as its enemies, whether early or more recent, could possibly desire. It will exist in every State, but as a poor dependent on State permission. It must borrow leave to be; and *will* be no longer than State pleasure, or State discretion, sees fit to grant the indulgence and to prolong its poor existence.

But, sir, although there are fears, there are hopes also. The people have preserved this, their own chosen Constitution, for forty years, and have seen their happiness, prosperity, and renown, grow with its growth, and strengthen with its strength. They are now, generally, strongly attached to it. Overthrown by direct assault, it can not be; evaded, undermined, nullified, it will not be, if we, and those who shall succeed us here as agents and representatives of the people, shall conscientiously and vigilantly discharge the two great branches of our public trust—faithfully to preserve and wisely to administer it.

Mr. President, I have thus stated the reasons of my dissent to the doctrines which have been advanced and maintained. I am conscious of having detained you and the Senate much too long. I was drawn into the debate, with no previous deliberation such as is suited to the discussion of so grave and important a subject. But it is a subject of which my heart is full, and I have not been willing to sup-

press the utterance of its spontaneous sentiments. I can not, even now, persuade myself to relinquish it without expressing once more my deep conviction that, since it respects nothing less than the union of the States, it is of most vital and essential importance to the public happiness. I profess, sir, in my career hitherto to have kept steadily in view the prosperity and honor of the whole country, and the preservation of our Federal Union. It is to that Union we owe our safety at home, and our consideration and dignity abroad. It is to that Union that we are chiefly indebted for whatever makes us most proud of our country. That Union we reached only by the discipline of our virtues in the severe school of adversity. It had its origin in the necessities of disordered finance, prostrate commerce, and ruined credit. Under its benign influences, these great interests immediately awoke, as from the dead, and sprang forth with newness of life. Every year of its duration has teemed with fresh proofs of its utility and its blessings; and although our territory has stretched out wider and wider, and our population spread farther and farther, they have not outrun its protection or its benefits. It has been to us all a copious fountain of national, social, and personal happiness. I have not allowed myself, sir, to look beyond the Union, to see what might lie hidden in the dark recess behind. I have not coolly weighed the chances of preserving liberty when the bonds that unite us together shall be broken asunder. I have not accustomed myself to hang over the precipice of disunion, to see whether, with my short sight, I can fathom the depth of the abyss below; nor could I regard him as a safe counsellor in the affairs of this government whose thoughts should be mainly bent on considering, not how the Union should be best preserved, but how tolerable might be the condition of the people when it shall be broken up and destroyed.

While the Union lasts, we have high, exciting, gratifying prospects spread out before us, for us and our children. Beyond that I seek not to penetrate the veil. God grant

that, in my day at least, that curtain may not rise. God grant, that on my vision never may be opened what lies behind. When my eyes shall be turned to behold, for the last time, the sun in heaven, may I not see him shining on the broken and dishonored fragments of a once glorious Union; on States dissevered, discordant, belligerent; on a land rent with civil feuds, or drenched, it may be, in fraternal blood! Let their last feeble and lingering glance rather behold the gorgeous ensign of the republic, now known and honored throughout the earth, still full high advanced, its arms and trophies streaming in their original luster, not a stripe erased or polluted, nor a single star obscured—bearing for its motto, no such miserable interrogatory as, What is all this worth? Nor those other words of delusion and folly, Liberty first, and Union afterwards—but everywhere, spread all over in characters of living light, blazing on all its ample folds, as they float over the sea and over the land, and in every wind under the whole heavens, that other sentiment, dear to every true American heart—Liberty and Union, now and forever, one and inseparable!

IV

The Contest Over Slavery

For more than twenty years following the settlement of the Missouri question, the portentous subject of Slavery slept an uneasy sleep in the halls of Congress. Then followed a period of gradually increasing intensity of conflict, which culminated in the secession of the South and the Civil War.

The invention of the cotton gin (1793) made cotton raising very profitable, and cotton exports rose from 19,000 pounds in 1791 to 142,000,000 pounds in 1824. A new and urgent demand for slave labor thus arose; and all serious thought of emancipation, such as had been cherished by Jefferson, Mason, Wythe, Laurens, and others of the best spirits of the South in the first quarter of our national existence, died out in the slaveholding sections. In its stead came the attitude expressed by Governor McDuffie, of South Carolina, in his message to the legislature of that State in 1834: "Domestic slavery, instead of being a political evil, is the corner-stone of our republican edifice. No patriot who justly estimates our privileges will tolerate the idea of emancipation, at any period however remote, or on any condition of pecuniary advantage however favorable." (Von Holst, *Constitutional History of the United States,* II, p. 118.) This is the position which John C. Calhoun makes his own in the first speech here given, that of February 6, 1837.

In the North, on the other hand, the ten years preceding 1840 saw the formation of nearly 1,000 abolition societies,—local, State, and national,—with about 40,000 members; it saw also the founding of Garrison's newspaper, the *Liberator,* with its narrow uncompromising demand for immediate universal emancipation, its denunciation of the Constitution as "a covenant with death and an agreement with hell," and the deadly earnestness of its editor, who wrote: "I will not equivocate—I will not excuse—I will not retreat a single inch—*and I will be heard.*" Wendell Phillips's eulogy of Garrison, which is here given, is included as affording one of the best expositions of the moral earnestness of uncompromising abolitionism. More practical opponents of slavery also arose, demanding the abolition of the inter-State slave trade and of slavery itself in the District of Columbia; while theoretical abolitionists and practical anti-slavery men alike combined to nullify to a large extent the operation of the Fugitive Slave Act of 1793.

The occasion for the reviving of the slavery discussion in Congress in its full intensity was the acquisition of territory from Mexico as a result of the Mexican War. The idea entertained by a considerable section of the North as to the motives underlying these territorial acquisitions was (as expressed by Lowell in his *Biglow Papers*),—

> "They jest want this Californy
> So 's to lug new slave States in."

It was to meet this effort at slavery expansion that the famous Wilmot Proviso was first introduced (1846), declaring that "As an express and fundamental condition to the acquisition of any territory . . . neither slavery nor involuntary servitude shall ever exist in any part of the said territory."

In California the plans of the South were defeated by the discovery of gold (1848), which speedily drew into that region streams of free population sufficient to warrant the formation of a State, which was committed by vote of its own people to freedom. Since the admission of Maine and Missouri (1820) the balance between slave and free States had been kept even: Michigan (1837) balanced Arkansas (1836); Iowa (1846) and Wisconsin (1848) balanced Florida and Texas (1845). But the prospective admission of California as a free State now threatened to disturb permanently this equilibrium, for nowhere was there slave territory in the Union from which to form a new slaveholding State.

It was the task of Henry Clay, "the Great Pacificator," to combine in the Compromise of 1850 plans for a settlement of all these questions concerning Slavery which were felt to be within the range of practical politics. His great speech on this subject, therefore, constitutes the third selection of this division.

What chance there was of the settlement of 1850 proving permanent was thrown to the winds by the passing of Douglas's Kansas-Nebraska Act (1854), which expressly declared the Missouri Compromise of 1820 "inoperative and void," and proposed to apply the principle of Popular Sovereignty, or the vote of the people themselves, to the determination of the question of slavery in the Territories north as well as south of the line 36° 30′. This act was evidently intended to lead to the admission of Kansas as a slave State to balance California. "It is safe to say," says Mr. Rhodes, "that in the scope and consequences of the Kansas-Nebraska Act, it was the most momentous measure that passed Congress from the day that the Senators and Representatives first met, to the outbreak of the Civil War. It sealed the doom of the Whig party; it

caused the formation of the Republican party on the principle of no extension of slavery; it roused Lincoln and gave a bent to his political ambition. It made the Fugitive Slave law [of 1850] a dead letter at the North; it caused the Germans to become Republicans; it lost the Democrats their hold on New England; it made the Northwest Republican; it led to the downfall of the Democratic party." (*History of the United States since 1850,* I, p. 490.)

The desperate efforts of the pro-slavery party, through a perversion of Popular Sovereignty, to make of Kansas a slave State, is the theme of Sumner's powerful speech on "The Crime Against Kansas" (1856), which constitutes the fourth selection here presented. In the end, it may be noted, pro-slavery violence and the paltering of Presidents Pierce and Buchanan failed of their object; for Kansas remained a Territory until 1861, and when it entered the Union it came in a free State.

The next stage of the Slavery contest was opened by the Dred Scott decision (1857), in which the Supreme Court—in opinions which neither Northern Democrats nor Republicans could recognize as permanently settling the constitutional interpretation—declared against Douglas's doctrine of Popular Sovereignty, and held slavery to be a national institution, under the protection of the Constitution, which could not be excluded from any Territory, nor anywhere except by the action of State legislatures within their respective jurisdictions. The discussions to which this decision gave rise are illustrated in part by the Lincoln-Douglas debates (1858), of which the speeches of the opening debate are here given.

Out of the dissolution of the Whig party over the slavery question came the organization (1854) of the Republican party, which in 1856 secured 114 electoral votes for Fremont as against 174 for Buchanan. The fundamental

principle of this new party is set forth in Seward's "Irrepressible Conflict" speech of October 25, 1858,—the last of the speeches given in this section.

With the election of Lincoln two years later, on what his opponents called a "Black Republican" platform, the contest over slavery was transferred from the forum to the arena—from the halls of Congress to the battlefields of the Civil War.

The following volumes in the series entitled *The American Nation: A History* are excellent for the further study of this period: Hart's *Slavery and Abolition;* Garrison's *Westward Extension;* Smith's *Parties and Slavery;* Chadwick's *Causes of the Civil War.* Good general accounts may also be found in Schouler's *History of the United States,* vols. IV and V; Wilson's *History of the American People,* vol. IV; and Burgess's *Middle Period.* The most comprehensive discussions will be found in Von Holst's *Constitutional History of the United States,* vols. II-VII; and (for the latter portion of the period) Rhodes's *History of the United States from the Compromise of 1850,* vols. I and II. The following biographical works are of value: Von Holst's *J. C. Calhoun;* Schurz's *Henry Clay;* Storey's *Charles Sumner;* Brown's *S. A. Douglas;* Morse's *Abraham Lincoln;* Bancroft's *W. H. Seward.*

16. JOHN C. CALHOUN, of South Carolina.—SLAVERY A POSITIVE GOOD

(Delivered in the U. S. Senate, February 6, 1837.)

For a quarter of a century John C. Calhoun devoted his great intellectual resources to building up the moral and constitutional defenses of the South's "peculiar institution." Entering Congress as a war Democrat in the session preceding the War of 1812, he for a time showed himself a strongly national statesman, favoring the re-establishment of the United States Bank, a mildly protective tariff, and Federal aid to internal improvements. He was elected Vice-President with John Quincy Adams, and was re-elected in 1828 with Jackson as the head of the ticket. On the passage by a South Carolina convention of the Nullification Ordinance of 1832, Calhoun resigned his position as Vice-President to take a seat in the Senate, where he made himself the head of the opposition to Jackson's policy of coercion for South Carolina. From this time forward he brought the whole force of his iron will and moral energy to the defense of slavery. "More than to any other man," says Von Holst, "the South owed it to him that she succeeded for such a long time in forcing the most democratic and the most progressive commonwealth

John Caldwell Calhoun. Born in South Carolina, 1782; graduated from Yale College, 1804; prepared at Litchfield, Conn., for the practice of law; elected to the General Assembly of South Carolina, 1808; member of Congress, 1811–17; Secretary of War under President Monroe, 1817–25; Vice-President with Presidents J. Q. Adams and Jackson, 1825–32; resigned to become Senator from South Carolina, serving 1833–43, and 1845–50; Secretary of State under President Tyler, 1844–45; died at Washington, 1850.

of the universe to bend its knees and do homage to the idol of this 'peculiar institution'; and therefore also the largest share of the responsibility for what at last did come rests on his shoulders." (Von Holst, *John C. Calhoun,* pp. 351-52.) He died March 31, 1850, in the midst of the discussions leading to the Compromise of 1850, of the principles of which he disapproved. These words were upon his lips at the last: "The South! The poor South! God knows what will become of her!"

The speech which is here given is one of several which he delivered in 1836-37 on the question of receiving petitions in the Senate for the abolition of slavery in the District of Columbia. Its chief interest lies in its uncompromising defense of slavery as a positive good to both the white and the black race,—a moral position which underlies and conditions to a large extent the whole subsequent attitude of the South, on State Rights, Nullification, and Secession. Senator Rives of Virginia, who represented the old Jeffersonian school as opposed to the rising school of Southern statesmen, took issue with Calhoun on the question of the abstract good of slavery. He said "he did not believe slavery to be a good, either moral, political, or economical; and if it depended on him, and there were any means of effecting it, he would not hesitate to terminate that coexistence of the two races to which the Senator from South Carolina had alluded, and out of which the present state of things had grown." Calhoun in reply "denied having pronounced slavery in the *abstract* a good. All he had said of it referred to existing circumstances; to slavery as a practical, not as an abstract, thing. It was a good where a civilized race and a race of a different description were brought together. Wherever civilization existed, death too was found, and luxury; but did he hold that death and

luxury were good in themselves?" (*Congressional Debates*, XIII, Pt. 1, p. 719.)

The report of Calhoun's speech which follows is taken from the *Works of John C. Calhoun*, vol. II, pp. 625-633, as affording a manifestly more correct text than the report in the *Congressional Debates*.

[John C. Calhoun, in the U. S. Senate, February 6, 1837.]

MR. PRESIDENT: If the time of the Senate permitted, I would feel it to be my duty to call for the reading of the mass of petitions on the table, in order that we might know what language they hold towards the slave-holding States and their institutions. But as it will not, I have selected, indiscriminately from the pile, two; one from those in manuscript, and the other from the printed, and without knowing their contents will call for the reading of them, so that we may judge by them of the character of the whole.

[Here the secretary, on the call of Mr. Calhoun, read the two petitions.]

Such is the language held towards us and ours. The peculiar institution of the South—that on the maintenance of which the very existence of the slaveholding States depends—is pronounced to be sinful and odious in the sight of God and man; and this with a systematic design of rendering us hateful in the eyes of the world—with a view to a general crusade against us and our institutions. This, too, in the legislative halls of the Union, created by these confederate States for the better protection of their peace, their safety, and their respective institutions. And yet we, the representatives of twelve of these sovereign States, against whom this deadly war is waged, are expected to sit here in silence, hearing ourselves and our constituents day after day denounced, without uttering a word; for if we but open our lips the charge of agitation is resounded

on all sides, and we are held up as seeking to aggravate the evil which we resist. Every reflecting mind must see in all this a state of things deeply and dangerously diseased.

I do not belong to the school which holds that aggression is to be met by concession. Mine is the opposite creed, which teaches that encroachments must be met at the beginning, and that those who act on the opposite principle are prepared to become slaves. In this case, in particular, I hold concession or compromise to be fatal. If we concede an inch, concession would follow concession, compromise would follow compromise, until our ranks would be so broken that effectual resistance would be impossible. We must meet the enemy on the frontier, with a fixed determination of maintaining our position at very hazard. Consent to receive these insulting petitions, and the next demand will be that they be referred to a committee in order that they may be deliberated and acted upon. At the last session we were modestly asked to receive them, simply to lay them on the table, without any view to ulterior action. I then told the Senator from Pennsylvania [Mr. Buchanan], who so strongly urged that course in the Senate, that it was a position that could not be maintained; as the argument in favor of acting on the petitions, if we were bound to receive, could not be resisted. I then said that the next step would be to refer the petition to a committee, and I already see indications that such is now the intention. If we yield, that will be followed by another, and we will thus proceed step by step to the final consummation of the object of these petitions. We are now told that the most effectual mode of arresting the progress of abolition is to reason it down; and with this view it is urged that the petitions ought to be referred to a committee. That is the very ground which was taken at the last session in the other house, but instead of arresting its progress it has since advanced more rapidly than ever. The most unquestionable right may be rendered doubtful if once admitted to be a subject of controversy, and that would be the case in the present instance. The

subject is beyond the jurisdiction of Congress: they have no right to touch it in any shape or form, or to make it the subject of deliberation or discussion.

In opposition to this view, it is urged that Congress is bound by the Constitution to receive petitions in every case and on every subject, whether within its constitutional competency or not. I hold the doctrine to be absurd, and do solemnly believe that it would be as easy to prove that it has the right to abolish slavery as that it is bound to receive petitions for that purpose. The very existence of the rule that requires a question to be put on the reception of petitions, is conclusive to show that there is no such obligation. It has been a standing rule from the commencement of the government, and clearly shows the sense of those who formed the Constitution on this point. The question on the reception would be absurd if, as is contended, we are bound to receive. But I do not intend to argue the question; I discussed it fully at the last session, and the arguments then advanced neither have been nor can be answered.

As widely as this incendiary spirit has spread, it has not yet infected this body, or the great mass of the intelligent and business portion of the North; but unless it be speedily stopped, it will spread and work upwards till it brings the two great sections of the Union into deadly conflict. This is not a new impression with me. Several years since, in a discussion with one of the Senators from Massachusetts [Mr. Webster], before this fell spirit had showed itself, I then predicted that the doctrine of the proclamation and the Force Bill [President Jackson's measures for overcoming Nullification, in 1832-33], that this government had a right, in the last resort, to determine the extent of its own powers, and enforce its decision at the point of the bayonet—which was so warmly maintained by that Senator —would at no distant day arouse the dormant spirit of abolitionism. I told him that the doctrine was tantamount to the assumption of unlimited power on the part of the government, and that such would be the impression on the

public mind in a large portion of the Union. The consequence would be inevitable. A large portion of the Northern States believed slavery to be a sin, and would consider it as an obligation of conscience to abolish it if they should feel themselves in any degree responsible for its continuance; and that this doctrine would necessarily lead to the belief of such responsibility. I then predicted that it would commence as it has with this fanatical portion of society; and that they would begin their operations on the ignorant, the weak, the young, and the thoughtless, and gradually extend upwards till they would become strong enough to obtain political control; when he and others holding the highest stations in society would, however reluctant, be compelled to yield to their doctrines, or be driven into obscurity. But four years have since elapsed, and all this is already in a course of regular fulfilment.

Standing at the point of time at which we have now arrived, it will not be more difficult to trace the course of future events now than it was then. They who imagine that the spirit now abroad in the North will die away of itself, without a shock or convulsion, have formed a very inadequate conception of its real character; it will continue to rise and spread, unless prompt and efficient measures to stay its progress be adopted. Already it has taken possession of the pulpit, of the schools, and to a considerable extent of the press,—those great instruments by which the mind of the rising generation will be formed.

However sound the great body of non-slaveholding States are at present, in the course of a few years they will be succeeded by those who will have been taught to hate the people and institutions of nearly one-half of this Union, with a hatred more deadly than one hostile nation ever entertained towards another. It is easy to see the end. By the necessary course of events, if left to themselves, we must become, finally, two peoples. It is impossible under the deadly hatred which must spring up between the two great sections, if the present causes are permitted to operate

unchecked, that we should continue under the same political system. The conflicting elements would burst the Union asunder, powerful as are the links which hold it together. Abolition and the Union can not co-exist. As the friend of the Union I openly proclaim it, and the sooner it is known the better. The former may now be controlled, but in a short time it will be beyond the power of man to arrest the course of events. We of the South will not, can not surrender our institutions. To maintain the existing relations between the two races inhabiting that section of the Union, is indispensable to the peace and happiness of both. It can not be subverted without drenching the country in blood, and extirpating one or the other of the races. Be it good or bad, it has grown up with our society and institutions, and is so interwoven with them, that to destroy it would be to destroy us as a people.

But let me not be understood as admitting, even by implication, that the existing relations between the two races in the slaveholding States is an evil—far otherwise; I hold it to be a good, as it has thus far proved itself to be to both, and will continue to prove so if not disturbed by the fell spirit of abolition. I appeal to facts. Never before has the black race of Central Africa, from the dawn of history to the present day, attained a condition so civilized and so improved, not only physically, but morally and intellectually. It came among us in a low, degraded, and savage condition; and in the course of a few generations it has grown up under the fostering care of our institutions, reviled as they have been, to its present comparatively civilized condition. This, with the rapid increase of numbers, is conclusive proof of the general happiness of the race, in spite of all the exaggerated tales to the contrary.

In the meantime, the white or European race has not degenerated. It has kept pace with its brethren in other sections of the Union where slavery does not exist. It is odious to make comparison; but I appeal to all sides whether the South is not equal in virtue, intelligence, patriotism,

courage, disinterestedness, and all the high qualities which adorn our nature. I ask whether we have not contributed our full share of talents and political wisdom in forming and sustaining this political fabric; and whether we have not constantly inclined most strongly to the side of liberty, and been the first to see and first to resist the encroachments of power. In one thing only are we inferior—the arts of gain; we acknowledge that we are less wealthy than the Northern section of this Union, but I trace this mainly to the fiscal action of this government, which has extracted much from, and spent little among us. Had it been the reverse,—if the exaction had been from the other section, and the expenditure with us,—this point of superiority would not be against us now, as it was not at the formation of this government.

But I take higher ground. I hold that in the present state of civilization, where two races of different origin, and distinguished by color, and other physical differences, as well as intellectual, are brought together, the relation now existing in the slaveholding States between the two, is, instead of an evil, a good—a positive good. I feel myself called upon to speak freely upon the subject where the honor and interests of those I represent are involved. I hold, then, that there never has yet existed a wealthy and civilized society in which one portion of the community did not, in point of fact, live on the labor of the other. Broad and general as is this assertion, it is fully borne out by history. This is not the proper occasion, but if it were it would not be difficult to trace the various devices by which the wealth of all civilized communities has been so unequally divided, and to show by what means so small a share has been allotted to those by whose labor it was produced, and so large a share given to the non-producing class. The devices are almost innumerable, from the brute force and gross superstition of ancient times, to the subtle and artful fiscal contrivances of modern. I might well challenge a comparison between them and the more direct,

simple, and patriarchal mode by which the labor of the African race is, among us, commanded by the European. I may say with truth, that in few countries so much is left to the share of the laborer, and so little exacted from him, or where there is more kind attention paid to him in sickness or infirmities of age. Compare his condition with the tenants of the poorhouses in the more civilized portions of Europe—look at the sick and the old and infirm slave, on one hand, in the midst of his family and friends, under the kind superintending care of his master and mistress; and compare it with the forlorn and wretched condition of the pauper in the poorhouse.

But I will not dwell on this aspect of the question; I turn to the political; and here I fearlessly assert that the existing relation between the two races in the South, against which these blind fanatics are waging war, forms the most solid and durable foundation on which to rear free and stable political institutions. It is useless to disguise the fact. There is, and always has been in an advanced stage of wealth and civilization, a conflict between labor and capital. The condition of society in the South exempts us from the disorders and dangers resulting from this conflict; and which explains why it is that the political condition of the slaveholding States has been so much more stable and quiet than that of the North. The advantages of the former in this respect will become more and more manifest, if left undisturbed by interference from without, as the country advances in wealth and numbers. We have, in fact, but just entered that condition of society where the strength and durability of our political institutions are to be tested; and I venture nothing in predicting that the experience of the next generation will fully test how vastly more favorable our condition of society is to that of other sections for free and stable institutions, provided we are not disturbed by the interference of others, or shall have sufficient intelligence and spirit to resist promptly and successfully such interference. It rests with ourselves to meet and repel

them. I look not for aid to this government, or to the other States: not but there are kind feelings towards us on the part of the great body of the non-slaveholding States; but as kind as their feelings may be, we may rest assured that no political party in those States will risk their ascendency for our safety. If we do not defend ourselves, none will defend us; if we yield, we will be more and more pressed as we recede; and if we submit, we will be trampled under foot. Be assured that emancipation itself would not satisfy these fanatics; that gained, the next step would be to raise the negroes to a social and political equality with the whites; and that being effected, we would soon find the present condition of the two races reversed. They and their Northern allies would be the masters, and we the slaves; the condition of the white race in the British West India islands, bad as it was, would be happiness to ours. There the mother country is interested in sustaining the supremacy of the European race. It is true that the authority of the former master is destroyed, but the African will there still be a slave, not to individuals but to the community,—forced to labor, not by the authority of the overseer, but by the bayonet of the soldiery and the rod of the civil magistrate.*

Surrounded as the slaveholding States are with such imminent perils, I rejoice to think that our means of defense are ample, if we shall prove to have intelligence and spirit and to see and apply them before it is too late. All we want is concert, to lay aside all party differences, and unite with zeal and energy in repelling approaching dangers. Let there be concert of action, and we shall find ample means of security without resorting to secession or disunion. I speak with full knowledge and a thorough examination of the subject, and for one see my way clearly. One thing alarms me—the eager pursuit of gain which overspreads the land, and which absorbs every faculty of the mind and

*By the British Emancipation Act, which went into effect in 1834, former slaves were to serve as apprentices under their late masters for seven years.

every feeling of the heart. Of all passions avarice is the most blind and compromising—the last to see and the first to yield to danger. I dare not hope that anything I can say will arouse the South to a due sense of danger; I fear it is beyond the power of mortal voice to awaken it in time from the fatal security into which it has fallen.

17. WENDELL PHILLIPS, OF MASSACHUSETTS.—EULOGY OF GARRISON

(Delivered in Boston, May 28, 1879, at the funeral of Garrison.)

TO THE assertions of the new school of Southern statesmen that "slavery was a positive good," there was opposed the view of a growing minority at the North that in spite of Constitution and laws slaveholding was a sin, complicity in which could only be avoided by active opposition whenever and wherever met with—an opposition justified by the appeal to the "higher law" which overrides mere man-made ordinances. From this feeling came the formation of the "Underground Railway" to aid slaves escaping to Canada; and from it came also the long and relentless warfare—as impractical at times as the most doctrinaire of Slavery utterances—carried on by the Abolitionists, through their press, through the mails, from the lecture platform, and in petitions to Congress.

Foremost among the names of Abolitionists will always rank that of William Lloyd Garrison. Born in Massachusetts in 1805 and reared in poverty, he was placed as an apprentice at the age of fourteen in a printing office, and found there his lifelong vocation. For a few months (1829) he was associated with Benjamin Lundy in publishing the *Genius of Universal Emancipation;* for a "libel" in which on a New England shipowner, whom he

WENDELL PHILLIPS. Born in Boston, Mass., 1811; graduated from Harvard College, 1831; admitted to the bar, 1834; joined in the anti-slavery agitation, 1837; opposed reelection of Lincoln, 1864; public lecturer on temperance, woman suffrage, the rights of Indians, prison reform, etc.; died, 1884.

charged with engaging in the slave-trade, he spent six weeks in jail. In 1831 he began the publication at Boston of his famous periodical, *The Liberator.*

In 1835 the English Abolitionist, George Thompson, to whom chief credit is due for the emancipation of slaves in the British colonies (in 1834), visited Boston; and that city was thereupon disgraced by the issuance of the following hand-bill:

"Thompson, the Abolitionist.—That infamous foreign scoundrel, *Thompson,* will hold forth *this afternoon* at the Liberator office. The present is a fair opportunity for the friends of the Union to *snake Thompson out!* It will be a contest between the Abolitionists and the friends of the Union. A purse of $100 has been raised by a number of patriotic citizens to reward the individual who shall first lay violent hands on Thompson, so that he may be brought to the tar-kettle before dark. Friends of the Union, be vigilant."

The mob was disappointed in laying hands on Thompson; but the *Liberator* office was partially wrecked, and Garrison was dragged through the streets with a rope around his waist. Nevertheless, he persevered; and slowly the movement grew, until the Abolitionists became a force to be reckoned with. Well might Calhoun say, about 1841: "Of all the questions which have been agitated under our government, Abolition is that in which we of the South have the deepest concern. . . . It is a question which admits of neither concession nor compromise."

The oration here given was pronounced at the funeral of Garrison, in 1879, by Wendell Phillips, Garrison's friend and co-worker, who had begun his labors for Abolition in 1837, with a notable speech in Faneuil Hall, Boston, on the murder of the Abolition printer Lovejoy, who

had lost his life at Alton, Ill., while defending his press against a pro-slavery mob.

[Wendell Phillips, at the funeral of Garrison, in Boston, May 28, 1879.]

IT was his [Garrison's] own moral nature, unaided, uninfluenced from outside, that consecrated him to a great idea. Other men ripen gradually. . . . This man was in jail for his opinions when he was just twenty-four. He had confronted a nation in the very bloom of his youth. . . . Think of the mere dates; think that at some twenty-four years old, while Christianity and statesmanship, the experience, the genius of the land, were wandering in the desert, aghast, amazed, and confounded over a frightful evil, a great sin, this boy sounded, found, invented the talisman, "Immediate, unconditional emancipation on the soil." . . .

A year afterwards, with equally single-hearted devotion, in words that have been so often quoted, with those dungeon doors behind him, he enters on his career. In January, 1831, then twenty-five years old, he starts the publication of *The Liberator,* advocating the immediate abolition of slavery, and with the sublime pledge: "I will be as harsh as truth and as uncompromising as justice. On this subject I do not wish to speak or write with moderation. I will not equivocate—I will not excuse—I will not retreat a single inch—*and I will be heard.*"

Then began an agitation which for the marvel of its origin, the majesty of its purpose, the earnestness, unselfishness, and ability of its appeals, the vigor of its assault, the deep national convulsion it caused, the vast and beneficent changes it wrought, and its wide-spread, indirect influence on all kindred moral questions, is without a parallel in history since Luther. This boy created and marshalled it. His converts held it up and carried it on. Before this, all through the preceding century, there had been among us scattered and single abolitionists, earnest and able men; sometimes, like [George] Wythe of Virginia, in high places.

The Quakers and Covenanters had never intermitted their testimony against slavery. But Garrison was the first man to begin a *movement* designed to annihilate slavery. He announced the principle, arranged the method, gathered the forces, enkindled the zeal, started the argument, and finally marshalled the nation for and against the system in a conflict that came near rending the Union.

I marvel again at the instinctive sagacity which discerned the hidden forces fit for such a movement, called them forth, and wielded them to such prompt results. . . . O'Connell* leaned back on three millions of Irishmen, all on fire with sympathy. Cobden's† hands were held up by the whole manufacturing interests of Great Britain. His treasury was the wealth of the middle classes of the country; and behind him also, in fair proportion, stood the religious convictions of England. Marvelous was their agitation. As you gaze upon it in successive stages, and analyze it, you are astonished at what they invented for tools. But this boy stood alone,—utterly alone, at first. There was no sympathy anywhere; his hands were empty; one single penniless comrade was his only helper. Starving on bread and water, he could command the use of types; that was all. Trade endeavored to crush him; the intellectual life of America disowned him.

My friend Weld has said the church was a thick bank of black cloud looming over him. Yes. But no sooner did the church discern the impetuous boy's purpose than out of that dead sluggish cloud thundered and lightened a malignity which could not find words to express its hate. . . . A mere boy confronts church, commerce, and college,—a boy with neither training nor experience! Almost at once the assault tells: the whole country is hotly interested. . . . He had no means. Where he got, whence

*Daniel O'Connell, the great Irish agitator, who won for Catholics admission to the British House of Commons, in 1829.

†Richard Cobden headed the movement which secured the repeal of the Corn Laws and the adoption of free trade by Great Britain, in 1846.

he summoned, how he created, the elements which changed 1830 into 1835—1830 apathy, indifference, ignorance, icebergs, into 1835, every man intelligently hating him, and mobs assaulting him in every city—is a marvel which none but older men than I can adequately analyze and explain. He said to a friend who remonstrated with him on the heat and severity of his language, "Brother, I have need to be all on fire, for I have mountains of ice about me to melt." Well, that dungeon of 1830, that universal apathy, that deadness of soul, that contempt of what called itself intellect, in ten years he changed into the whole country aflame. He made every single home, press, pulpit, and senate-chamber a debating society, with *his* right and wrong for the subject. And, as was said of Luther, "God honored him by making all the worst men his enemies." . . . Malignity searched him with candles from the moment he uttered that God-given solution of the problem to the moment when he took the hand of the nation and wrote out the statute which made it law. . . . No man, however mad with hate, however fierce in assault, ever dared to hint that there was anything low in motive, false in assertion, selfish in purpose, dishonest in method,—never a stain on the thought, the word, or the deed. . . .

Then look at the work he did. My friends have spoken of his influence. What American ever held his hand so long and so powerfully on the helm of social, intellectual, and moral America? There have been giants in our day. Great men God has granted in widely different spheres, —earnest men, men whom public admiration lifted early into power. I shall venture to name some of them. Perhaps you will say it is not usual on an occasion like this; but long-waiting truth needs to be uttered in an hour when this great example is still absolutely indispensable to inspire the effort, to guide the steps, to cheer the hope, of the nation not yet arrived in the promised land. I want to show you the vast breadth and depth that this man's name signifies. We have had Webster in the Senate; we have had

Lyman Beecher in the pulpit; we have had Calhoun at the head of a section; we have had a philosopher at Concord [Emerson] with his inspiration penetrating the young mind of the Northern States. They are the four men that history, perhaps, will mention somewhere near the great force whose closing in this scene we commemorate today. Remember now not merely the inadequate means at this man's control, not simply the bitter hate that he confronted, not the vast work that he must be allowed to have done,—surely vast, when measured by the opposition he encountered and the strength he held in his hands,—but dismissing all those considerations, measuring nothing but the breadth and depth of his hold, his grasp on American character, social change, and general progress, what man's signet has been set so deep, planted so forever on the thoughts of his epoch? Trace home intelligently, trace home to their sources, the changes, social, political, intellectual, and religious, that have come over us during the last fifty years,—the volcanic convulsions, the stormy waves which have tossed and rocked our generation,—and you will find close at the sources of the Mississippi this boy with his proclamation!

The great party that put on record the statute of freedom was made up of men whose conscience he quickened and whose intellect he inspired, and they long stood the tools of a public opinion that he created. The grandest name beside his in the America of our times is that of John Brown. Brown stood on the platform that Garrison built; and Mrs. Stowe herself charmed an audience that he gathered for her, with words which he inspired, from a heart that he kindled. Sitting at his feet were leaders born of *The Liberator,* the guides of public sentiment. I know whereof I affirm. It was often a pleasant boast of Charles Sumner that he read *The Liberator* two years before I did; and, among the great men who followed his lead and held up his hands in Massachusetts, where is the intellect, where is the heart, that does not trace to this printer-boy the first pulse that bade him serve the slave? For

myself, no words can adequately tell the measureless debt I owe him, the moral and intellectual life he opened to me. I feel like the old Greek who, taught himself by Socrates, called his own scholars "the disciples of Socrates."

This is only another instance added to the roll of the Washingtons and the Hampdens, whose root is not ability, but *character;* that influence which, like the great Master's of Judea (humanly speaking), spreading through the centuries, testifies that the world suffers its grandest changes not by genius, but by the more potent control of *character.* His was an earnestness that would take no denial, that consumed opposition in the intensity of its convictions, that knew nothing but right. As friend after friend gathered slowly, one by one, to his side, in that very meeting of a dozen heroic men to form the New England Anti-slavery Society, it was his compelling hand, his resolute unwillingness to temper or qualify the utterance, that finally dedicated that first organized movement to the doctrine of immediate emancipation. He seems to have understood,—this boy without experience,—he seems to have understood by instinct that righteousness is the only thing which will finally compel submission; that one with God is always a majority. He seems to have known it at the very outset, taught of God, the herald and champion, God-endowed and God-sent to arouse a nation, that only by the most absolute assertion of the uttermost truth, without qualification or compromise, can a nation be waked to conscience or strengthened for duty. No man ever understood so thoroughly—not O'Connell nor Cobden—the nature and needs of that *agitation* which alone, in our day, reforms states. In the darkest hour he never doubted the omnipotence of conscience and the moral sentiment.

And then look at the unquailing courage with which he faced the successive obstacles that confronted him! Modest, believing at the outset that America could not be as corrupt as she seemed, he waits at the door of the churches, importunes leading clergymen, begs for a voice from the sanc-

tuary, a consecrated protest from the pulpit. To his utter amazement, he learns by thus probing it that the Church will give him no help, but on the contrary surges into the movement in opposition. Serene, though astounded by the unexpected revelation, he simply turns his footsteps, and announces that "a Christianity which keeps peace with the oppressor is no Christianity," and goes on his way to supplant the religious element which the Church had allied with sin by a deeper religious faith. Yes, he sets himself to work—this stripling with his sling confronting the angry giant in complete steel, this solitary evangelist—to make Christians of twenty millions of people. . . .

If anything strikes one more prominently than another in this career,—to your astonishment, young men, you may say,—it is the plain, sober common sense, the robust English element which underlay Cromwell, which explains Hampden, which gives the color that distinguishes 1640 in England from 1790 in France. Plain, robust, well-balanced common sense. Nothing erratic; no enthusiasm which had lost its hold on firm earth; no mistake of method; no unmeasured confidence; no miscalculation of the enemy's strength. Whoever mistook, Garrison seldom mistook. Fewer mistakes in that long agitation of fifty years can be charged to his account than to any other American. Erratic as men supposed him, intemperate in utterance, mad in judgment, an enthusiast gone crazy; the moment you sat down at his side, patient in explanation, clear in statement, sound in judgment, studying carefully every step, calculating every assault, measuring the force to meet it, never in haste, always patient, waiting until the time ripened,—fit for a great leader. Cull, if you please, from the statesmen who obeyed him, whom he either whipped into submission or summoned into existence,—cull from among them the man whose career, fairly examined, exhibits fewer miscalculations and fewer mistakes than this career which is just ended. . . . When history seeks the sources of New England character, when men begin to open up and examine

the hidden springs and note the convulsions and the throes of American life within the last half-century, they will remember Parker, that Jupiter of the pulpit; they will remember the long unheeded but measureless influence that came to us from the seclusion of Concord; they will do justice to the masterly statesmanship which guided, during a part of his life, the efforts of Webster. But they will recognize that there was only one man north of Mason and Dixon's line who met squarely, with an absolute logic, the else impregnable position of John C. Calhoun; only one brave, far-sighted, keen, logical intellect, which discerned that there were only two moral points in the universe, *right* and *wrong;* that, when one was asserted, subterfuge and evasion would be sure to end in defeat.

Here lies the brain and the heart; here lies the statesmanlike intellect, logical as Jonathan Edwards, brave as Luther, which confronted the logic of South Carolina with an assertion direct and broad enough to make an issue and necessitate a conflict of two civilizations. Calhoun said, Slavery is *right.* Webster and Clay shrunk from him, and evaded his assertion. Garrison, alone at that time, met him face to face, proclaiming slavery a sin and daring all the inferences. . . .

18. HENRY CLAY, of Kentucky.—THE COMPROMISE OF 1850

(Delivered in the U. S. Senate, February 5 and 6, 1850.)

Henry Clay won the title of "the Great Pacificator" by the three compromises which he originated in the endeavor to adjust the ever recurring disputes over Slavery.

(1) When Missouri presented itself for admission to the Union in 1821, with a constitution which prohibited free negroes from entering the State, it was Clay who quelled the newly arisen storm by drafting a resolution admitting the State on condition that its legislature, "by a solemn public act," bind itself not to pass the obnoxious constitutional provision into legislation.

(2) When South Carolina nullifiers and the Federal government as vested in Andrew Jackson were on the verge of armed collision in 1833, over the collection in South Carolina of protective tariff duties, Clay for a second time came forward and secured the passage of a compromise tariff (1833) which removed particular grounds of complaint and thus deferred the occasion for testing Nullification.

(3) For the last time, in 1850, Clay endeavored to save the Union, "upon a fair equality and just basis," by comprehending in a single series of measures "all questions of

Henry Clay. Born in Virginia, 1777; admitted to the bar and removed to Lexington, Ky., 1797; served for seven sessions in the Kentucky State legislature; in United States Senate, filling unexpired terms, 1806-07, and 1809-11; in House of Representatives, 1811-13 and 1815-25, serving as Speaker of the House for thirteen years; Peace Commissioner at Ghent, 1814; Secretary of State, 1825-29; in Senate, 1831-42 and 1849-52; unsuccessful candidate for Presidency, 1824, 1832, 1844; died, 1852.

controversy between [the States] arising out of the institution of slavery."

His propositions were introduced into the Senate on January 29, 1850, in a series of eight resolutions. The first provided for the admission of California without restriction as to slavery. The second declared, "That as slavery does not exist by law and is not likely to be introduced into any of the territory acquired from the Republic of Mexico, it is inexpedient for Congress to provide by law either for its introduction into or its exclusion from any part of the said territory." The third proposed a compromise settlement of the boundary between Texas and New Mexico, which was in dispute. By the fourth the United States was to provide for the payment of the public debt of Texas, contracted prior to annexation, for which the duties on foreign imports had been pledged while that State was independent, on condition that Texas formally relinquish her claim to any part of New Mexico. The fifth declared the abolition of slavery in the District of Columbia to be "inexpedient," except with the consent of Maryland, of the people of the district, and with just compensation to owners of slaves. The sixth read: "That it is expedient to prohibit within the District the trade in slaves brought into it from States or places beyond the limits of the District, either to be sold therein as merchandise or to be transported to other markets without the District of Columbia." The seventh provided for a more effectual Fugitive Slave law. And the eighth declared that Congress has no power over the inter-State slave trade.

Clay was now seventy-three years old, and had laid aside his cherished ambition to become President. He was himself a Southerner and a slaveholder, but his attitude on slavery as an institution was thus declared in these debates: "I owe it to myself, I owe it to truth, I owe it to

the subject, to say that no earthly power could induce me to vote for a specific measure for the introduction of slavery where it had not before existed, either south or north of the Missouri Compromise line. . . . If the citizens of those Territories choose to establish slavery, and if they come here with constitutions establishing slavery, I am for admitting them with such provisions in their constitutions; but then it will be their work and not ours, and their posterity will have to reproach them and not us for forming constitutions allowing the institution of slavery to exist among them." (Colton, *Life, Correspondence, and Speeches of Henry Clay,* III, pp. 127-28.)

Clay's endeavors in behalf of these compromise resolutions were the last great effort of his life, and sensibly contributed to its decline and end. Besides his great speech of February 5th and 6th, which is here given, Clay spoke many times during the course of the long discussions to which his resolutions gave rise. Into the vicissitudes (which were many) to which they were subjected, we can not here go; it suffices to say that in the end all of Clay's propositions, except those which were merely declaratory (the second, fifth, and eighth), were enacted into law.

Oratorically, Clay's power lay in sympathetic exhortation rather than in the reasoned argument which was Webster's forte. "He was a persuasive speaker, his magnetism was great; the impassioned utterance and the action suited to the word aroused the enthusiasm of the moment, and carried everything resistlessly before him, whether he addressed the tumultuous mass-meeting or his cultured audience of the Senate. . . . His speeches in print convey no idea of the effect of their delivery, and in the reading one loses the whole force of his fine physical presence, and fails to appreciate the strength derived from his supremely nervous

temperament." (Rhodes, *History of the United States from 1850*, I, p. 123.)

[Henry Clay, in the U. S. Senate, February 5 and 6, 1850.]

MR. PRESIDENT: Never on any former occasion have I risen under feelings of such painful solicitude. I have seen many periods of great anxiety, of peril, and of danger in this country, and I have never before risen to address any assemblage so oppressed, so appalled, and so anxious; and, sir, I hope it will not be out of place to do here, what again and again I have done in my private chamber, to implore of Him who holds the destinies of nations and individuals in His hands, to bestow upon our country His blessings, to calm the violence and rage of party, to still passion, to allow reason once more to resume its empire. . . . I know, sir, the jealousies, the fears, the apprehensions which are engendered by the existence of that party spirit to which I have referred; but if there be in my hearing now, in or out of this Capitol, any one who hopes, in his race for honors and elevation, for higher honors and higher elevation than that which he now occupies, I beg him to believe that I, at least, will never jostle him in the pursuit of those honors or that elevation. I beg him to be perfectly persuaded that, if my wishes prevail, my name shall never be used in competition with his. I beg to assure him that when my service is terminated in this body, my mission, so far as respects the public affairs of this world and upon this earth, is closed, and closed, if my wishes prevail, forever. . . .

From the beginning of the session to the present time my thoughts have been anxiously directed to the object of finding some plan, of proposing some mode of accomodation which would once more restore the blessings of concord, harmony, and peace to this great country. I am not vain enough to suppose that I have been successful in the accomplishment of this object, but I have presented a

scheme; and allow me to say to honorable Senators that, if they find in that plan anything that is defective, if they find in it anything that is worthy of acceptance, but is susceptible of improvement by amendment, it seems to me that the true and patriotic course is not to denounce it, but to improve it—not to reject without examination any project of accommodation having for its object the restoration of harmony in this country, but to look at it to see if it be susceptible of elaboration or improvement, so as to accomplish the object which I indulge the hope is common to all and every one of us, to restore peace and quiet, and harmony and happiness to this country.

Sir, when I came to consider this subject, there were two or three general purposes which it seemed to me to be most desirable, if possible, to accomplish. The one was, to settle all the controverted questions arising out of the subject of slavery. It seemed to me to be doing very little if we settled one question and left other distracting questions unadjusted; it seemed to me to be doing but little if we stopped one leak only in the ship of State, and left other leaks capable of producing danger, if not destruction, to the vessel. I therefore turned my attention to every subject connected with the institution of slavery, and out of which controverted questions had sprung, to see if it were possible or practicable to accommodate and adjust the whole of them. Another principal object which attracted my attention was, to endeavor to form such a scheme of accommodation that neither of the two classes of States into which our country is so unhappily divided should make any sacrifice of any great principle. I believe, sir, the series of resolutions which I have had the honor to present to the Senate accomplishes that object.

Sir, another purpose which I have had in view was this: I was aware of the difference of opinion prevailing between these two classes of States. I was aware that, while one portion of the Union was pushing matters, as it seemed to me, to the greatest extremity, another portion of the

Union was pushing them to an opposite, perhaps not less dangerous extremity. It appeared to me, then, that if any arrangement, any satisfactory adjustment could be made of the controverted questions between the two classes of States, that adjustment, that arrangement, could only be successful and effectual by extracting from both parties some concession—not of principle, not of principle at all, but of feeling, of opinion, in relation to matters in controversy between them. Sir, I believe the resolutions which I have prepared fulfill that object. I believe, sir, that you will find, upon that careful, rational, and attentive examination of them which I think they deserve, that neither party in some of them makes any concession at all; in others the concessions of forbearance are mutual; and in the third place, in reference to the slaveholding States, there are resolutions making concessions to them by the opposite class of States, without any compensation whatever being rendered by them to the non-slaveholding States. I think every one of these characteristics which I have assigned, and the measures which I proposed, is susceptible of clear and satisfactory demonstration by an attentive perusal and critical examination of the resolutions themselves. Let us take up the first resolution.

The first resolution, Mr. President, as you are aware, relates to California, and it declares that California, with suitable limits, ought to be admitted as a member of this Union, without the imposition of any restriction either to interdict or to introduce slavery within her limits. Well, now, is there any concession in this resolution by either party to the other? I know that gentlemen who come from slaveholding States say the North gets all that it desires; but by whom does it get it? Does it get it by any action of Congress? If slavery be interdicted within the limits of California, has it been done by Congress—by this government? No, sir. That interdiction is imposed by California herself. And has it not been the doctrine of all parties that when a State is about to be admitted into the Union,

the State has a right to decide for itself whether it will or will not have slavery within its limits?

. . . . . .

Mr. President, the next resolution in the series which I have offered I beg gentlemen candidly now to look at. I was aware, perfectly aware, of the perseverance with which the Wilmot proviso was insisted upon. I knew that every one of the free States in this Union, without exception, had by its legislative body passed resolutions instructing their Senators and requesting their Representatives to get that restriction incorporated in any Territorial government which might be established under the auspices of Congress. I knew how much, and I regretted how much, the free States had put their hearts upon the adoption of this measure. In the second resolution I call upon them to waive persisting in it. I ask them, for the sake of peace and in the spirit of mutual forbearance to other members of the Union, to give it up—to no longer insist upon it—to see, as they must see, if their eyes are open, the dangers which lie ahead, if they persevere in insisting upon it.

When I called upon them in this resolution to do this, was I not bound to offer, for a surrender of that favorite principle or measure of theirs, some compensation, not as an equivalent by any means, but some compensation in the spirit of mutual forbearance, which, animating one side, ought at the same time to actuate the other side? Well, sir, what is it that is offered them? It is a declaration of what I characterized, and must still characterize, with great deference to all those who entertain opposite opinions, as two truths, I will not say incontestible, but to me clear, and I think they ought to be regarded as indisputable truths. What are they? The first is, that by law slavery no longer exists in any part of the acquisitions made by us from the Republic of Mexico; and the other is, that in our opinion, according to the probabilities of the case, slavery never will be introduced into any portion of the territories so acquired from Mexico. . . .

Allow me to say that, in my humble judgment, the institution of slavery presents two questions totally distinct and resting on entirely different grounds—slavery within the States, and slavery without the States. Congress, the general government, has no power, under the Constitution of the United States, to touch slavery within the States, except in three specified particulars in that instrument: to adjust the subject of representation; to impose taxes when a system of direct taxation is made; and to perform the duty of surrendering, or causing to be delivered up, fugitive slaves that may escape from service which they owe in slave States, and take refuge in free States. And, sir, I am ready to say that if Congress were to attack, within the States, the institution of slavery, for the purpose of the overthrow or extinction of slavery, then, Mr. President, my voice would be for war; then would be made a case which would justify in the sight of God, and in the presence of the nations of the earth, resistance on the part of the slave States to such an unconstitutional and usurped attempt as would be made on the supposition which I have stated.

Then we should be acting in defense of our rights, our domicils, our safety, our lives; and then, I think, would be furnished a case in which the slaveholding States would be justified, by all considerations which pertain to the happiness and security of man, to employ every instrument which God or nature had placed in their hands to resist such an attempt on the part of the free States. And then, if unfortunately civil war should break out, and we should present to the nations of the earth the spectacle of one portion of this Union endeavoring to subvert an institution in violation of the Constitution and the most sacred obligations which can bind men; we should present the spectacle in which we should have the sympathies, the good wishes, and the desire for our success of all men who love justice and truth. Far different, I fear, would be our case if unhappily we should be plunged into civil war—if the two parts of this country should be placed in a position hostile

toward each other—in order to carry slavery into the new territories acquired from Mexico. . . .

The government has no right to touch the institution within the States; but whether she has, and to what extent she has the right or not to touch it outside of the States, is a question which is debatable, and upon which men may honestly and fairly differ, but which, decided however it may be decided, furnishes, in my judgment, no just occasion for breaking up this happy and glorious Union of ours. . . .

Mr. President, I shall not take up time, of which already so much has been consumed, to show that, according to the sense of the Constitution of the United States, or rather according to the sense in which the clause has been interpreted for the last fifty years, the clause which confers on Congress the power to regulate the Territories and other property of the United States conveys the authority. . . .

I said there is another source of power equally satisfactory, equally conclusive in my mind, as that which relates to the Territories; and that is the treaty-making power—the acquiring power. Now I put it to gentlemen, is there not at this moment a power somewhere existing either to admit or exclude slavery from the ceded territory? It is not an annihilated power. This is impossible. It is a subsisting, actual, existing power; and where does it exist? It existed, I presume no one will controvert, in Mexico prior to the cession of these territories. Mexico could have abolished slavery or introduced slavery either in California or New Mexico. That must be conceded. Who will controvert this position? Well, Mexico has parted from the territory and from the sovereignty over the territory; and to whom did she transfer it? She transferred the territory and the sovereignty of the territory to the government of the United States.

The government of the United States acquires in sovereignty and in territory over California and New Mexico, all, either in sovereignty or territory, that Mexico held in

California or New Mexico, by the cession of those territories. Sir, dispute that who can. The power exists or it does not; no one will contend for its annihilation. It existed in Mexico. No one, I think, can deny that. Mexico alienates the sovereignty over the territory, and her alienee is the government of the United States. The government of the United States, then, possesses all power which Mexico possessed over the ceded territories, and the government of the United States can do in reference to them—within, I admit, certain limits of the Constitution—whatever Mexico could have done. There are prohibitions upon the power of Congress within the Constitution, which prohibitions, I admit, must apply to Congress whenever she legislates, whether for the old States or for new territories; but, within those prohibitions, the powers of the United States over the ceded territories are coextensive and equal to the power of Mexico in the ceded territories, prior to the cession.

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I pass on from the second resolution to the third and fourth, which relate to Texas: and allow me to say, Mr. President, that I approach the subject with a full knowledge of all its difficulties; and of all the questions connected with or growing out of this institution of slavery which Congress is called upon to pass upon and decide, there are none so difficult and troublesome as those which relate to Texas, because, sir, Texas has a question of boundary to settle, and the question of slavery, or the feelings connected with it, run into the question of boundary. The North, perhaps, will be anxious to contract Texas within the narrowest possible limits, in order to exclude all beyond her to make it a free Territory; the South, on the contrary, may be anxious to extend those sources of Rio Grande, for the purpose of creating an additional theater for slavery; and thus, to the question of the limits of Texas, and the settlement of her boundary, the slavery

question, with all its troubles and difficulties, is added, meeting us at every step we take.

There is, sir, a third question, also, adding to the difficulty. By the resolution of annexation, slavery was interdicted in all north of 36 degrees 30 minutes; but of New Mexico, that portion of it which lies north of 36 degrees 30 minutes embraces, I think, about one-third of the whole of New Mexico east of the Rio Grande; so that you have free and slave territory mixed, boundary and slavery mixed together, and all these difficulties are to be encountered.

. . . . . .

Sir, the other day my honorable friend who represents so well the State of Texas said that we had no more right to touch the limits of Texas than we had to touch the limits of Kentucky. I think that was the illustration he gave us —that a State is one and indivisible, and that the general government has no right to sever it. I agree with him, sir, in that, where the limits are ascertained and certain, where they are undisputed and indisputable. The general government has no right, nor has any other earthly power the right, to interfere with the limits of a State whose boundaries are thus fixed, thus ascertained, known, and recognized. The whole power, at least, to interfere with it is voluntary. The extreme case may be put—one which I trust in God may never happen in this nation—of a conquered nation, and of a constitution adapting itself to the state of subjugation or conquest to which it has been reduced; and giving up whole States, as well as parts of States, in order to save from the conquering arms of the invader what remains. I say such a power in case of extremity may exist. But I admit that, short of such extremity, voluntarily, the general government has no right to separate a State—to take a portion of its territory from it, or to regard it otherwise than as integral, one and indivisible, and not to be affected by any legislation of ours. But, then, I assume what does not exist in the case of Texas, and these boundaries must be known, ascertained, and indisputable. With re-

gard to Texas, all was open, all was unfixed; all is unfixed at this moment, with respect to her limits west and north of the Nueces. . . . In the resolution, what is proposed? To confine her to the Nueces? No, sir. To extend her boundary to the mouth of the Rio Grande, and thence up that river to the southern limit of New Mexico; and thence along that limit to the boundary between the United States and Spain, as marked under the treaty of 1819.

Why, sir, here is a vast country. I believe—although I have made no estimate about it—that it is not inferior in extent of land, of acres, of square miles, to what Texas east of the river Nueces, extending to the Sabine, had before. And who is there can say with truth and justice that there is no reciprocity, nor mutuality, no concession in this resolution, made to Texas, even in reference to the question of boundary alone? You give her a vast country, equal, I repeat, in extent nearly to what she indisputably possessed before; a country sufficiently large, with her consent, hereafter to carve out of it some two or three additional States when the condition of the population may render it expedient to make new States. Sir, is there not in this resolution concession, liberality, justice? But this is not all that we propose to do. The second resolution proposes to pay off a certain amount of the debt of Texas. A blank is left in the resolution, because I have not heretofore been able to ascertain the amount.

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I pass to the consideration of the next resolution in the series which I have had the honor to submit, and which relates, if I am not mistaken, to this District.

"Resolved, That it is inexpedient to abolish slavery in the District of Columbia, while that institution continues to exist in the State of Maryland, without the consent of that State, without the consent of the people of the District, and without just compensation to the owners of slaves within the District."

Mr. President, an objection at the moment was made to this resolution, by some honorable Senator on the other side of the body, that it did not contain an assertion of the unconstitutionality of the exercise of the power of abolition. I said then, as I have uniformly maintained in this body, as I contended for in 1838, and ever have done, that the power to abolish slavery within the District of Columbia has been vested in Congress by language too clear and explicit to admit, in my judgment, of any rational doubt whatever. What, sir, is the language of the Constitution? "To exercise exclusive legislation, in all cases whatever, over such District (not exceeding ten miles square) as may, by cession of particular States and the acceptance of Congress, become the seat of the government of the United States." Now, sir, Congress, by this grant of power, is invested with all legislation whatsoever over the District.

Can we conceive of human language more broad and comprehensive than that which invests a legislative body with exclusive power, in all cases whatsoever, of legislature over a given district of territory or country? Let me ask, sir, is there any power to abolish slavery in this District? Let me suppose, in addition to what I suggested the other day, that slavery had been abolished in Maryland and Virginia —let me add to it the supposition that it was abolished in all the States in the Union; is there any power then to abolish slavery within the District of Columbia, or is slavery planted here to all eternity, without the possibility of the exercise of any legislative power for its abolition? It can not be invested in Maryland, because the power with which Congress is invested is exclusive. Maryland, therefore, is excluded, and so all the other States of the Union are excluded. It is here, or it is nowhere.

This was the view which I took in 1838, and I think there is nothing in the resolution which I offered on that occasion incompatible with the view which I now present, and which the resolution contains. While I admitted the

power to exist in Congress, and exclusively in Congress, to legislate in all cases whatsoever, and consequently in the abolition of slavery in this District, if it is deemed proper to do so, I admitted on that occasion, as I contend now, that it is a power which Congress can not, in conscience and good faith, exercise while the institution of slavery continues within the State of Maryland. . . .

This resolution requires . . . that slavery shall not be abolished within the District of Columbia, although Maryland consents, although the people of the District of Columbia themselves consent, without the third condition of making compensation to the owners of the slaves within the District. Sir, it is immaterial to me upon what basis this obligation to compensate for the slaves who may be liberated by the authority of Congress is placed. There is a clause in the Constitution of the United States, of the amendments to the Constitution, which declares that no private property shall be taken for public use, without just compensation being made to the owner of the property. . . .

I know it has been argued that the clause of the Constitution which requires compensation for property taken by the public, for its use, would not apply to the case of the abolition of slavery in the District of Columbia, because the property is not taken for the use of the public. Literally, perhaps, it would not be taken for the use of the public; but it would be taken in consideration of a policy and purpose adopted by the public, as one which it was deemed expedient to carry into full effect and operation; and, by a liberal interpretation of the clause, it ought to be so far regarded as taken for the use of the public, at the instance of the public, as to demand compensation to the extent of the value of the property. . . .

The second clause of this resolution [the sixth], provides "that it is expedient to prohibit within the District the trade in slaves brought into it from States or places beyond the

limits of the District, either to be sold therein as merchandise, or to be transported to other markets."

Well, Mr. President, if the concession be made that Congress has the power of legislation, and exclusive legislation, in all cases whatsoever, how can it be doubted that Congress has authority to prohibit what is called the slave-trade in the District of Columbia? Sir, my interpretation of the Constitution is this: that with regard to all parts of it which operate upon the States, Congress can exercise no power which is not granted, or which is not a necessary implication from a granted power. That is the rule for the action of Congress in relation to its legislation upon the States, but in relation to its legislation upon this District, the reverse. I take it to be the rule that Congress has all power over the District which is not prohibited by some part of the Constitution of the United States; in other words, that Congress has a power within the District equivalent to, and co-extensive with, the power which any State itself possesses within its own limits. Well, sir, does any one doubt the power and the right of any slaveholding State in this Union to forbid the introduction, as merchandise, of slaves within their limits? Why, sir, almost every slaveholding State in the Union has exercised its power to prohibit the introduction of slaves as merchandise. . . .

Sir, the power exists; the duty, in my opinion, exists; and there has been no time—as I may, in language coincident with that used by the honorable Senator from Alabama—there has been no time in my public life when I was not willing to concur in the abolition of the slave-trade in this District. . . . Why are the feelings of citizens here outraged by the scenes exhibited, and the corteges which pass along our avenues, of manacled human beings, not collected at all in our own neighborhood, but brought from distant parts of neighboring States? Why should they be outraged? And who is there, that has a heart, that does not contemplate a spectacle of that kind with horror and

indignation? Why should they be outraged by a scene so inexcusable and detestable as this?

Sir, it is no concession, I repeat, from one class of States or from the other. It is an object in which both of them, it seems to me, should heartily unite, and which the one side as much as the other should rejoice in adopting, inasmuch as it lessens one of the causes of inquietude and dissatisfaction which are connected with this District.

. . . . . .

The next resolution is:

"That more effectual provision ought to be made by law, according to the requirement of the Constitution, for the restitution and delivery of persons bound to service or labor in any State, who may escape into any other State or Territory in the Union."

Now, Mr. President, upon that subject I go with him who goes furthest in the interpretation of that clause in the Constitution. In my humble opinion, sir, it is a requirement by the Constitution of the United States which is not limited in its operation to the Congress of the United States, but extends to every State in the Union and to the officers of every State in the Union; and I go one step further: it extends to every man in the Union, and devolves upon them all an obligation to assist in the recovery of a fugitive from labor who takes refuge in or escapes into one of the free States. And, sir, I think I can maintain all this by a fair interpretation of the Constitution. It provides:

"That no person held to service or labor in one State under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due."

It will be observed, Mr. President, that this clause in the Constitution is not among the enumerated powers granted to Congress, for, if that had been the case, it might have been urged that Congress alone could legislate

to carry it into effect; but it is one of the general powers or one of the general rights secured by this constitutional instrument, and it addresses itself to all who are bound by the Constitution of the United States. Now, sir, the officers of the general government are bound to take an oath to support the Constitution of the United States. All State officers are required by the Constitution to take an oath to support the Constitution of the United States; and all men who love their country and are obedient to its laws, are bound to assist in the execution of those laws, whether they are fundamental or derivative. I do not say that a private individual is bound to make the tour of his State in order to assist an owner of a slave to recover his property; but I do say, if he is present when the owner of a slave is about to assert his rights and endeavor to obtain possession of his property, every man present, whether he be an officer of the general government or the State government, or a private individual, is bound to assist, if men are bound at all to assist in the execution of the laws of their country.

Now what is this provision? It is that such fugitive shall be delivered upon claim of the party to whom such service or labor may be due. As has been already remarked in the course of the debate upon the bill upon this subject which is now pending, the language used in regard to fugitives from criminal offenses and fugitives from labor is precisely the same. The fugitive from justice is to be delivered up, and to be removed to the State having jurisdiction; the fugitive from labor is to be delivered up on claim of the party to whom such service is due. Well, has it ever been contended on the part of any State that she is not bound to surrender a fugitive from justice, upon demand from the State from which he fled? I believe not. There have been some exceptions to the performance of this duty, but they have not denied the general right; and if they have refused in any instance to give up the person demanded, it has been upon some technical or legal ground,

not at all questioning the general right to have the fugitive surrendered, or the obligation to deliver him up as intended by the Constitution.

I think, then, Mr. President, that with regard to the true interpretation of this provision of the Constitution there can be no doubt. It imposes an obligation upon all the States, free or slaveholding; it imposes an obligation upon all officers of the government, State or Federal; and, I will add, upon all the people of the United States, under particular circumstances, to assist in the surrender and recovery of a fugitive slave from his master. . . .

Mr. President, I do think that that whole class of legislation, beginning in the Northern States and extending to some of the Western States, by which obstructions and impediments have been thrown in the way of the recovery of fugitive slaves, is unconstitutional and has originated in a spirit which I trust will correct itself when those States come calmly to consider the nature and extent of their federal obligations. Of all the States in this Union, unless it be Virginia, the State of which I am a resident suffers most by the escape of their slaves to adjoining States.

I have very little doubt, indeed, that the extent of loss to the State of Kentucky, in consequence of the escape of her slaves, is greater, at least in proportion to the total number of slaves which are held within that commonwealth, even than in Virginia. I know full well, and so does the honorable Senator from Ohio know, that it is at the utmost hazard, and insecurity of life itself, that a Kentuckian can cross the river and go into the interior to take back his fugitive slave to the place from whence he fled. Recently an example occurred even in the city of Cincinnati, in respect to one of our most respectable citizens. Not having visited Ohio at all, but Covington, on the opposite side of the river, a little slave of his escaped over to Cincinnati. He pursued it; he found it in the house in which it was concealed; he took it out, and it was rescued by the

violence and force of a negro mob from his possession—the police of the city standing by, and either unwilling or unable to afford the assistance which was requisite to enable him to recover his property.

Upon this subject I do think that we have just and serious cause of complaint against the free States. I think they fail in fulfilling a great obligation, and the failure is precisely upon one of those subjects which in its nature is the most irritating and inflaming to those who live in the slave States.

Now, sir, I think it is a mark of no good neighborhood, of no kindness, of no courtesy, that a man living in a slave State can not now, with any sort of safety, travel in the free States with his servants, although he has no purpose whatever of stopping there longer than a short time. And on this whole subject, sir, how has the legislation of the free States altered for the worse within the course of the last twenty or thirty years? Why, sir, most of those States, until within a period of the last twenty or thirty years, had laws for the benefit of sojourners, as they were called, passing through or abiding for the moment in the free States, with their servants. . . . Well, now, sir, all these laws in behalf of these sojourners through the free States are swept away, except I believe in the State of Rhode Island.

Mr. Dayton—And New Jersey.

Mr. Clay—Ay, and in New Jersey. . . .

Then, Mr. President, I think that the existing laws upon the subject, for the recovery of fugitive slaves, and the restoration and delivering of them up to their owners, being found inadequate and inaffective, it is incumbent on Congress—and I hope hereafter, in a better state of feeling, when more harmony and good will prevail among the members of this confederacy, it will be regarded by the free States themselves as a part of their duty also—to assist in allaying this irritating and disturbing subject to the peace of our Union; but, at all events, whether they do it or not, it is our duty to do it. It is our duty to make the law more

effective, and I shall go with the Senator from the South who goes furthest in making penal laws and imposing the heaviest sanctions for the recovery of fugitive slaves, and the restoration of them to their owners.

Mr. President, upon this part of the subject, however, allow me to make an observation or two. I do not think the States, as States, ought to be responsible for all the misconduct of particular individuals within those States. I think that the States are only to be held responsible when they act in their sovereign capacity. If there are a few persons, indiscreet, mad if you choose—fanatics if you choose so to call them—who are for dissolving this Union, as we know there are some at the North, and for dissolving it in consequence of the connection which exists between the free and slaveholding States, I do not think that any State in which such madmen as they are to be found, ought to be held responsible for the doctrines they propagate, unless the State itself adopts those doctrines.

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Mr. President, I have a great deal yet to say, and I shall, therefore, pass from the consideration of this seventh resolution, with the observation, which I believe I have partly made before, that the most stringent provision upon this subject which can be devised will meet with my hearty concurrence and co-operation, in the passage of the bill which is under the consideration of the Senate. The last resolution declares:

"That Congress has no power to prohibit or obstruct the trade in slaves between the slaveholding States; but that the admission or exclusion of slaves brought from one into another of them, depends exclusively upon their own particular laws."

This is a concession, not, I admit, of any real constitutional provision, but a concession from the North to the South of what is understood, I believe, by a great number at the North, to be a constitutional provision. If the resolution should be adopted, take away the decision of the

Supreme Court of the United States on this subject, and there is a great deal, I know, that might be said on both sides, as to the right of Congress to regulate the trade between the States, and, consequently, the trade in slaves between the States; but I think the decision of the Supreme Court has been founded upon correct principles, and I trust it will forever put an end to the question whether Congress has or has not the power to regulate the intercourse and trade in slaves between the different States.

Such, Mr. President, is the series of resolutions which, in an earnest and anxious desire to present the olive branch to both parts of this distracted, and at the present moment, unhappy country, I have thought it my duty to offer. Of all men upon earth I am the least attached to any productions of my own mind. No man upon earth is more ready than I am to surrender anything which I have proposed, and to accept in lieu of it anything that is better; but I put it to the candor of honorable Senators on the other side and upon all sides of the House, whether their duty will be performed by simply limiting themselves to objections to any one or to all of the series of resolutions that I have offered. If my plan of peace, and accommodation, and harmony, is not right, present us your plan. Let us see the counter project. Let us see how all the questions that have arisen out of this unhappy subject of slavery can be better settled, more fairly and justly settled to all quarters of the Union, than on the plan proposed in the resolutions which I have offered. Present me such a scheme, and I will hail it with pleasure, and will accept it without the slightest feeling of regret that my own was abandoned.

. . . . . .

Now, sir, when I came to consider the subject and to compare the provisions of the line of 36 degrees 30 minutes —the Missouri Compromise line—with the plan which I propose for the accommodation of this question, what said I to myself? Why, sir, if I offer the line of 36 degrees 30

minutes, interdicting slavery north of it, and leaving the question open south of that line, I offer that which is illusory to the South; I offer that which will deceive them, if they suppose that slavery will be introduced south of that line. It is better for them, I said to myself—it is better for the whole South, that there should be non-action on both sides, than that there should be action interdicting slavery on one side, without action for admission of slavery on the other side of the line. Is it not so? What, then, is gained by the South, if the Missouri line is extended to the Pacific, with an interdiction of slavery north of it? Why, sir, one of the very arguments which have been most often and most seriously urged by the South has been this, that we do not want you to legislate upon the subject at all; you ought not to touch it; you have no power over it. I do not concur, as is well known from what I have said upon this occasion, in this view of the subject. But that is the Southern argument. We do not want you to legislate at all on the subject of slavery. But if you adopt the Missouri line and extend it to the Pacific, and interdict slavery north of that line, you do legislate upon the subject of slavery, and you legislate without a corresponding equivalent of legislation on the subject south of the line. For, if there be legislation interdicting slavery north of the line, the principle of equality would require that there should be legislation admitting slavery south of the line.

Sir, I have said that I never could vote for it, and I repeat that I never can, and never will vote for it; and no earthly power shall ever make me vote to plant slavery where slavery does not exist. Still, if there be a majority —and there ought to be such a majority—for interdicting slavery north of the line, there ought to be an equal majority—if equality and justice be done to the South—to admit slavery south of the line. And if there be a majority ready to accomplish both of these purposes, though I can not concur in the action, yet I would be one of the last to create any disturbance, I would be one of the first to ac-

quiesce in such legislation, though it is contrary to my own judgment and my own conscience. I think, then, it would be better to keep the whole of these territories untouched by any legislation by Congress on the subject of slavery, leaving it open, undecided, without any action of Congress in relation to it; that it would be best for the South, and best for all the views which the South has, from time to time, disclosed to us as correspondent with her wishes. . . .

And, sir, I must take occasion here to say that in my opinion there is no right on the part of any one or more of the States to secede from the Union. War and dissolution of the Union are identical and inevitable, in my opinion. There can be a dissolution of the Union only by consent or by war. Consent no one can anticipate, from any existing state of things, is likely to be given; and war is the only alternative by which a dissolution could be accomplished. If consent were given—if it were possible that we were to be separated by one great line—in less than sixty days after such consent was given war would break out between the slaveholding and non-slaveholding portions of this Union—between the two independent parts into which it would be erected in virtue of the act of separation. In less than sixty days, I believe, our slaves from Kentucky, flocking over in numbers to the other side of the river, would be pursued by their owners. Our hot and ardent spirits would be restrained by no sense of the right which appertains to the independence of the other side of the river, should that be the line of separation. They would pursue their slaves into the adjacent free States; they would be repelled; and the consequence would be that, in less than sixty days, war would be blazing in every part of this now happy and peaceful land.

And, sir, how are you going to separate the States of this confederacy? In my humble opinion, Mr. President, we should begin with at least three separate confederacies. There would be a confederacy of the North, a confederacy

of the Southern Atlantic slaveholding States, and a confederacy of the valley of the Mississippi. My life upon it, that the vast population which has already concentrated and will concentrate on the head-waters and the tributaries of the Mississippi will never give their consent that the mouth of that river shall be held subject to the power of any foreign State or community whatever. Such, I believe, would be the consequences of a dissolution of the Union, immediately ensuing; but other confederacies would spring up from time to time, as dissatisfaction and discontent were disseminated throughout the country—the confederacy of the lakes, perhaps the confederacy of New England, or of the middle States. Ah, sir, the veil which covers these sad and disastrous events that lie beyond it, is too thick to be penetrated or lifted by any mortal eye or hand. . . .

Mr. President, I have said, what I solemnly believe, that dissolution of the Union and war are identical and inevitable; and they are convertible terms; and such a war as it would be, following a dissolution of the *Union!* Sir, we may search the pages of history, and none so ferocious, so bloody, so implacable, so exterminating—not even the wars of Greece, including those of the Commoners of England and the revolutions of France—none, none of them all would rage with such violence, or be characterized with such bloodshed and enormities as would the war which must succeed, if that ever happens, the dissolution of the Union. And what would be its termination? Standing armies, and navies, to an extent stretching the revenues of each portion of the dissevered members, would take place. An exterminating war would follow—not sir, a war of two or three years' duration, but a war of interminable duration—and exterminating wars would ensue, until, after the struggles and exhaustion of both parties, some Philip or Alexander, some Cæsar or Napoleon, would arise and cut the Gordian knot, and solve the problem of the capacity of man for self-government, and crush the liberties of both

the severed portions of this common empire. Can you doubt it?

Look at all history—consult her pages, ancient or modern—look at human nature; look at the contest in which you would be engaged in the supposition of war following upon the dissolution of the Union, such as I have suggested; and I ask you if it is possible for you to doubt that the final disposition of the whole would be some despot treading down the liberties of the people—the final result would be the extinction of this last and glorious light which is leading all mankind, who are gazing upon it, in the hope and anxious expectation that the liberty which prevails here will sooner or later be diffused throughout the whole of the civilized world. Sir, can you lightly contemplate these consequences? Can you yield yourself to the tyranny of passion, amid dangers which I have depicted, in colors far too tame, of what the result would be if that direful event to which I have referred should ever occur? Sir, I implore gentlemen, I adjure them, whether from the South or the North, by all that they hold dear in this world—by all their love of liberty—by all their veneration for their ancestors—by all their regard for posterity—by all their gratitude to Him who has bestowed on them such unnumbered and countless blessings—by all the duties which they owe to mankind—and by all the duties which they owe to themselves, to pause, solemnly to pause at the edge of the precipice, before the fearful and dangerous leap be taken into the yawning abyss below, from which none who ever take it shall return in safety.

Finally, Mr. President, and in conclusion, I implore, as the best blessing which Heaven can bestow upon me upon earth, that if the direful event of the dissolution of this Union is to happen, I shall not survive to behold the sad and heart-rending spectacle.

19. CHARLES SUMNER, of Massachusetts.—THE CRIME AGAINST KANSAS

(Delivered in the U. S. Senate, May 19 and 20, 1856.)

The most celebrated speech of this time was Sumner's oration on "The Crime Against Kansas." It was delivered in the Senate May 19 and 20, 1856, and denounced the pro-slavery violence and illegality produced in Kansas by Senator Douglas's Kansas-Nebraska Act of 1854.

The speech was prepared with great care, and was intended by Sumner (as he wrote Theodore Parker) to be "the most thorough philippic ever uttered in a legislative body." It was a work of masterly literary quality, delivered with striking elocution; and because of its intrinsic merits, and because of the brutal assault upon Sumner by Representative Preston S. Brooks which it provoked, it attained a circulation of half a million copies. Its faults are its extravagant statements, offensive personalities, turgid rhetoric, and too artificial construction; briefly, it smells too much of the lamp and the closet.

In the course of a powerful exordium of fourteen pages, celebrating Kansas's geographical advantages, and the unparalleled "crime" perpetrated against the Territory, Sumner gives the outline of his speech as follows: "My task will be divided under three heads: First, the Crime against

Charles Sumner. Born in Massachusetts, 1811; graduated from Harvard, 1830; admitted to the bar, 1834; travelled and studied abroad, 1837-40; actively entered the anti-slavery movement, 1845; assisted in forming the Free Soil Party, 1848; chosen to the U. S. Senate by a coalition of Massachusetts Free Soilers and Democrats, 1851, serving until his death in 1874.

Kansas, and its origin and extent; secondly, the Apologies for the Crime; and thirdly, the True Remedy"—which he finds in the immediate admission of Kansas as a State of the Union. The extracts which are here given comprise the greater part of the first of these three sections. (See *Works of Charles Sumner,* IV; Pierce, *Memoirs and Letters of Charles Sumner,* III, ch. xl.)

In omitted portions of the speech, Sumner goes out of his way to attack (among others) Senator Butler of South Carolina, an elderly, courteous gentleman of ability, who was out of Washington at the time. Sumner called him a Don Quixote who had chosen as the mistress of his chivalrous vows "the harlot Slavery," and charged him with incoherence, uttering "the loose expectoration of his speech," untruthfulness, and "incapacity of accuracy." In a heated debate which followed the close of his address, Sumner—in violation of every canon of good taste—compared Senator Douglas to a "common scold," and described him as switching "out from his tongue the perpetual stench of offensive personality" after the manner of "the noisome, squat, and nameless animal."

While seated at his desk in the Senate chamber two days later, Sumner was brutally beaten into insensibility by Representative Preston S. Brooks, a South Carolinian, a relative of Senator Butler. The injuries which Sumner received were greater than was suspected at the time. They nearly cost him his life and compelled his absence from the Senate chamber for three years.

[Charles Sumner, in the U. S. Senate, May 19 and 20, 1856.]

I UNDERTAKE, in the first place, to expose the Crime against Kansas, in origin and extent. Logically, this is the beginning of the argument. I say Crime, and deliberately adopt this strongest term, as better than any other denoting the consummate transgression. I would go further if language could further go. It is the *Crime of Crimes*,—surpassing far the old *Crimen Majestatis* [treason] pursued with vengeance by the laws of Rome, and containing all other crimes as the greater contains the less. I do not go too far when I call it the *Crime against Nature*, from which the soul recoils, and which language refuses to describe. To lay bare this enormity I now proceed. The whole subject has become a twice-told tale, and its renewed recital will be a renewal of sorrow and shame; but I shall not hesitate. The occasion requires it from the beginning.

It is well remarked by a distinguished historian of our country* that "at the Ithuriel touch of the Missouri discussion, the Slave Interest, hitherto hardly recognized as a distinct element in our system, started up portentous and dilated," with threats and assumptions which are the origin of our existing national politics. This was in 1820. The debate ended with the admission of Missouri as a slaveholding State, and the prohibition of slavery in all the remaining territory west of the Mississippi and north of 36 degrees 30 minutes, leaving the condition of other territory south of this line, or subsequently acquired, untouched by the arrangement. Here was a solemn act of legislation, called at the time compromise, covenant, compact, first brought forward in this body by a slaveholder, vindicated in debate by slaveholders, finally sanctioned by slaveholding votes,—also upheld at the time by the essential approbation of a slaveholding President, James Monroe, and his cabinet, of whom a majority were slaveholders, including Mr. Calhoun himself; and this compromise was made the

*Hildreth, "History of the United States." Ithuriel is an angel, in Milton's "Paradise Lost," sent by God in search of Satan.

condition of the admission of Missouri, without which that State could not have been received into the Union. The bargain was simple, and was applicable, of course, only to the territory named. Leaving all other territory to await the judgment of another generation, the South said to the North, Conquer your prejudices so far as to admit Missouri as a slave State, and, in consideration of this much coveted boon, slavery shall be prohibited "forever" (mark here the word *"forever"*) in all the remaining Louisiana Territory above 36 degrees 30 minutes; and the North yielded.

In total disregard of history, the President, in his annual massage, tells us that this compromise "was *reluctantly* acquiesced in by Southern States." Just the contrary is true. It was the work of slaveholders, and by their concurring votes was crowded upon a reluctant North. It was hailed by slaveholders as a victory. Charles Pinckney, of South Carolina, in an oft-quoted letter, written at eight o'clock on the night of its passage, says, "It is considered here by the slaveholding States as a great triumph." At the North it was accepted as a defeat, and the friends of freedom everywhere throughout the country bowed their heads with mortification. Little did they know the completeness of their disaster. Little did they dream that the prohibition of slavery in the territory, which was stipulated as the price of their fatal capitulation, would also, at the very moment of its maturity, be wrested from them.

Time passed, and it became necessary to provide for this territory an organized government. Suddenly, without notice in the public press or the prayer of a single petition or one word of open recommendation from the President, after an acquiescence of thirty-four years, and the irreclaimable possession by the South of its special share under this compromise, in breach of every obligation of honor, compact, and good neighborhood, and in contemptuous disregard of the outgushing sentiments of an aroused North, this time-honored prohibition—in itself a landmark

of freedom—was overturned, and the vast region now known as Kansas and Nebraska was open to slavery. It is natural that a measure thus repugnant in character should be pressed by arguments mutually repugnant. It was urged on two principal reasons, so opposite and inconsistent as to fight with each other: one being that, by the repeal of the prohibition, the Territory would be left open to the entry of slaveholders with their slaves, without hindrance; and the other being that the people would be left absolutely free to determine the question for themselves, and to prohibit the entry of slaveholders with their slaves, if they should think best. With some the apology was the alleged right of slaveholders; with others it was the alleged rights of the people. With some it was openly the extension of slavery; and with others it was openly the establishment of freedom, under the guise of popular sovereignty. The measure, thus upheld in defiance of reason, was carried through Congress in defiance of all securities of legislation. These things I mention that you may see in what foulness the present Crime was engendered.

It was carried, *first* by *whipping in,* through executive influence and patronage, men who acted against their own declared judgment and the known will of their constituents; *secondly,* by *thrusting out of place,* both in the Senate and House of Representatives, important business, long pending, and usurping its room; *thirdly,* by *trampling under foot* the rules of the House of Representatives, always before the safeguard of the minority; and, *fourthly,* by *driving it to a close* during the very session in which it originated, so that it might not be arrested by the indignant voice of the people. Such are some of the means by which this snap judgment was obtained. If the clear will of the people had not been disregarded, it could not have passed. If the government had not nefariously interposed, it could not have passed. If it had been left to its natural place in the order of business, it could not have passed. If the rules of the House and the rights of the minority had not been

violated, it could not have passed. If it had been allowed to go over to another Congress, when the people might be heard, it would have been ended; and then the Crime we now deplore would have been without its first seminal life.

Mr. President, I mean to keep absolutely within the limits of parliamentary propriety. I make no personal imputations, but only with frankness, such as belongs to the occasion and my own character, describe a great historical act, now enrolled in the capitol. Sir, the Nebraska Bill was in every respect a swindle. It was a swindle of the North by the South. On the part of those who had already completely enjoyed their share of the Missouri Compromise, it was a swindle of those whose share was yet absolutely untouched; and the plea of unconstitutionality set up—like the plea of usury after the borrowed money has been enjoyed—did not make it less a swindle. Urged as a bill of peace, it was a swindle of the whole country. Urged as opening the doors to slave-masters with their slaves, it was a swindle of popular sovereignty in its asserted doctrine. Urged as sanctioning popular sovereignty, it was a swindle of slave-masters in their asserted rights. It was a swindle of a broad territory, thus cheated of protection against slavery. It was a swindle of a great cause, early espoused by Washington, Franklin, and Jefferson, surrounded by the best fathers of the Republic. Sir, it was a swindle of God-given, inalienable rights. Turn it over, look at it on all sides, and it is everywhere a swindle; and, if the word I now employ has not the authority of classical usage, it has, on this occasion, the indubitable authority of fitness. No other word will adequately express the mingled meanness and wickedness of the cheat.

Its character is still further apparent in the general structure of the bill. Amidst overflowing professions of regard for the sovereignty of the people in the Territory, they are despoiled of every essential privilege of sovereignty. They are not allowed to choose governor, secretary, chief justice, associate justices, attorney, or marshal,—all of whom are

sent from Washington; nor are they allowed to regulate the salaries of any of these functionaries, or the daily allowance of the legislative body, or even the pay of the clerks and doorkeepers; but they are left free to adopt slavery. And this is nicknamed popular sovereignty! Time does not allow, nor does the occasion require, that I should stop to dwell on this transparent device to cover a transcendent wrong. Suffice it to say that slavery is in itself an arrogant denial of human rights, and by no human reason can the power to establish such a wrong be placed among the attributes of any just sovereignty. In refusing it such a place, I do not deny popular rights, but uphold them; I do not restrain popular rights, but extend them. And, sir, to this conclusion you must yet come, unless deaf not only to the admonitions of political justice, but also to the genius of our Constitution under which, when properly interpreted, no valid claim for slavery can be set up anywhere in the national territory. The Senator from Michigan [Mr. Cass] may say, in response to the Senator from Mississippi [Mr. Brown], that slavery can not go into the Territory, under the Constitution, without legislative introduction; and permit me to add, in response to both, that slavery can not go there at all. *Nothing can come out of nothing;* and there is absolutely nothing in the Constitution out of which slavery can be derived, while there are provisions which, when properly interpreted, make its existence anywhere within the exclusive national jurisdiction impossible.

The offensive provision in the bill is in its form a legislative anomaly, utterly wanting the natural directness and simplicity of an honest transaction. It does not undertake openly to repeal the old prohibition of slavery, but seems to mince the matter, as if conscious of the swindle. It says that this prohibition, "being inconsistent with the principle of non-intervention by Congress with slavery in the States and Territories, as recognized by the legislation of 1850, commonly called the Compromise Measures, is hereby de-

clared inoperative and void." Thus, with insidious ostentation, is it pretended that an act violating the greatest compromise of our legislative history, and loosening the foundations of all compromise, is derived out of a compromise. Then follows in the bill the further declaration, entirely without precedent, which has been aptly called "a stump speech in its belly," namely, "it being the true intent and meaning of this act not to legislate slavery into any Territory or State nor to exclude it therefrom, but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States." Here are smooth words, such as belong to a cunning tongue enlisted in a bad cause. But, whatever may have been their various hidden meanings, this at least is evident, that, by their effect, the congressional prohibition of slavery, which had always been regarded as a sevenfold shield, covering the whole Louisiana Territory north of 36 degrees 30 minutes, is now removed, while a principle is declared which renders the supplementary prohibition of slavery in Minnesota, Oregon, and Washington "inoperative and void," and thus opens to slavery all these vast regions, now the rude cradles of mighty States. Here you see the magnitude of the mischief contemplated. But my purpose is with the Crime against Kansas, and I shall not stop to expose the conspiracy beyond.

Mr. President, men are wisely presumed to intend the natural consequences of their conduct, and to seek what their acts seem to promote. Now the Nebraska Bill, on its very face, openly clears the way for slavery, and it is not wrong to presume that its originators intended the natural consequences of such an act, and sought in this way to extend slavery. Of course they did. And this is the first stage in the Crime against Kansas.

This was speedily followed by other developments. It was soon whispered that Kansas must be a slave State. In conformity with this barefaced scheme was the government

of this unhappy Territory organized in all its departments; and thus did the President, by whose complicity the prohibition of slavery was overthrown, lend himself to a new complicity,—giving to the conspirators a lease of connivance amounting even to copartnership. The governor, secretary, chief justice, associate justices, attorney, and marshal, with a whole caucus of other stipendaries, nominated by the President and confirmed by the Senate, are all commended as friendly to slavery. No man with the sentiments of Washington or Jefferson or Franklin finds favor; nor is it too much to say that, had these great patriots once more come among us, not one of them, with his recorded unretracted opinions on slavery, could be nominated by the President or confirmed by the Senate for any post in that Territory. With such auspices the conspiracy proceeded. Even in advance of the Nebraska Bill secret societies were organized in Missouri, ostensibly to protect her institutions; and afterwards, under the name of "Self-defensive Associations" and "Blue Lodges," these were multiplied throughout the western counties of that State *before any countermovement from the North.* It was confidently anticipated, that, by the activity of these societies, and the interest of slaveholders everywhere, with the advantage derived from the neighborhood of Missouri and the influence of the Territorial government, slavery might be introduced into Kansas, quietly but surely, without arousing conflict,—that the crocodile egg might be stealthily dropped in the sunburnt soil, there to be hatched unobserved until it sent forth its reptile monster.

But the conspiracy was unexpectedly balked. The debate which convulsed Congress stirred the whole country. From all sides attention was directed upon Kansas, which at once became the favorite goal of emigration. The bill loudly declares that its object is "to leave the people perfectly free to form and regulate their domestic institutions in their own way," and its supporters everywhere challenge the determination of the question between freedom and slavery

by a competition of emigration. Thus, while opening the Territory to slavery, the bill also opens it to emigrants from every quarter, who may by votes redress the wrong. The populous North, stung by sense of outrage and inspired by a noble cause, are pouring into the debatable land, and promise soon to establish a supremacy of numbers there, involving of course a just supremacy of freedom.

Then was conceived the consummation of the Crime against Kansas. What could not be accomplished peaceably was to be accomplished forcibly. The reptile monster, that could not be quietly and securely hatched there, is to be pushed fullgrown into the Territory. All efforts are now applied to the dismal work of forcing slavery upon free soil. In flagrant derogation of the very popular sovereignty whose name helped to impose this bill upon the country, the atrocious object is distinctly avowed. And the avowal is followed by the act. Slavery is forcibly introduced into Kansas, and placed under formal safeguard of pretended law. How this is done belongs to the argument.

In depicting this consummation, the simplest outline, without one word of color, will be best. Whether regarded in mass or detail, in origin or result, it is all blackness, illumined by nothing from itself, but only by the heroism of the undaunted men and women whom it environed. A plain statement of facts is a picture of direst truth, which faithful history will preserve in its darkest gallery. In the foreground all will recognize a familiar character, in himself connecting link between President and border ruffian,—less conspicuous for ability than for the exalted place he has occupied,—who once sat in the seat where you now sit, sir,—where once sat John Adams and Thomas Jefferson,—also, where once sat Aaron Burr. I need not add the name of David R. Atchison [Senator from Missouri from 1843 to 1855]. You do not forget that, at the session of Congress immediately succeeding the Nebraska Bill, he came tardily to his duty here, and then after a short time disappeared. The secret was long since disclosed.

Like Catiline, he stalked into this chamber reeking with conspiracy,—*immo etiam in Senatum venit*,—and then, like Catiline, he skulked away,—*abiit, excessit, evasit, erupit*,—to join and provoke the conspirators who at a distance awaited their congenial chief. Under the influence of his malign presence the Crime ripened to its fatal fruits, while the similitude with Catiline is again renewed in the sympathy, not even concealed, which he finds in the very Senate itself where, beyond even the Roman example, a Senator has not hesitated to appear as his open compurgator.

And now, as I proceed to show the way in which this Territory was overrun and finally subjugated to slavery, I desire to remove, in advance, all question with regard to the authority on which I rely. The evidence is secondary, but it is the best which, in the nature of the case, can be had; and it is not less clear, direct, and peremptory than any by which we are assured of the campaigns in the Crimea or the fall of Sebastopol [1854-55]. In its manifold mass, I confidently assert that it is such a body of evidence as the human mind is not able to resist. It is found in the concurring reports of the public press, in the letters of correspondents, in the testimony of travellers, and in the unaffected story to which I have listened from leading citizens, who, during this winter, have "come flocking" here from that distant Territory. It breaks forth in the irrepressible outcry reaching us from Kansas, whose truthful tones leave no ground of mistake. It addresses us in formal complaint, instinct with the indignation of a people determined to be free, and unimpeachable as the declarations of a murdered man on his dying-bed against his murderer. And let me add that all this testimony finds echo in the very statute book of the conspirators, and also in language dropped from the President of the United States.

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Five several times and more have these invaders entered Kansas in armed array, and thus five several times and more have they trampled upon the organic law of the Ter-

ritory. These extraordinary expeditions are simply the extraordinary witnesses to successive, uninterrupted violence. They stand out conspicuous, but not alone. The spirit of evil, in which they had their origin, is wakeful and incessant. From the beginning it hung upon the skirts of this interesting Territory, harrowing its peace, disturbing its prosperity, and keeping its inhabitants under the painful alarms of war. All security of person, property, and labor was overthrown; and, when I urge this incontrovertible fact, I set forth a wrong which is small only by the side of the giant wrong for the consummation of which all this is done. Sir, what is man—what is government—without security, in the absence of which nor man nor government can proceed in development or enjoy the fruits of existence? Without security civilization is cramped and dwarfed. Without security there is no true freedom. Nor shall I say too much, when I declare that security, guarded of course by its parent freedom, is the true end and aim of government. Of this indispensable boon the people of Kansas are despoiled,—absolutely, totally. All this is aggravated by the nature of their pursuits, rendering them peculiarly sensitive to interruption, and at the same time attesting their innocence. They are for the most part engaged in the cultivation of the soil, which from time immemorial has been the sweet employment of undisturbed industry. Contented in the returns of bounteous nature and the shade of his own trees, the husbandman is not aggressive. Accustomed to produce, and not to destroy, he is essentially peaceful, unless his home is invaded, when his arm derives vigor from the soil he treads, and his soul inspiration from the heavens beneath whose canopy he daily toils. Such are the people of Kansas, whose security has been overthrown. Scenes from which Civilization averts her countenance are part of their daily life. Border incursions, which in barbarous ages or barbarous lands fretted and harried an exposed people, are here renewed: with this peculiarity, that our border robbers do not simply levy

blackmail and drive off a few cattle, like those who acted under the inspiration of the Douglas of other days,—they do not seize a few persons, and sweep them away into captivity, like the African slave-traders, whom we brand as pirates,—but they commit a succession of deeds in which border sorrows and African wrongs are revived together on American soil, while for the time being all protection is annulled and the whole Territory is enslaved.

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As every point in a wide-spread horizon radiates from a common centre, so everything said or done in this vast circle of crime radiates from the *one idea* that Kansas, at all hazards, must be made a slave State. In all the manifold wickednesses that occur, and in every successive invasion, this *one idea* is ever present, as Satanic tempter, motive power, *causing cause*. Talk of "one idea"! Here it is with a vengeance!

To accomplish this result, three things are attempted: *first*, by outrage of all kinds, to drive the friends of freedom out of the Territory; *secondly*, to deter others from coming; and, *thirdly*, to obtain complete control of the government. The process of driving out, and also of deterring, has failed. On the contrary, the friends of freedom there have become more fixed in resolve to stay and fight the battle which they never sought, but from which they disdain to retreat, while the friends of freedom elsewhere are more aroused to the duty of timely succor by men and munitions of just self-defense.

While defeated in the first two processes, the conspirators succeeded in the last. By the violence already portrayed at the election of the 30th of March, when the polls were occupied by armed hordes from Missouri, they imposed a legislature upon the Territory, and thus, under the iron mask of law, established a Usurpation not less complete than any in history.

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On this cumulative, irresistible evidence, in concurrence

with antecedent history, I rest. And yet Senators here argue that this can not be,—precisely as the conspiracy of Cataline was doubted in the Roman Senate. *"Nonnulli sunt in hoc ordine, qui aut ea quæ imminent non videant, aut ea quæ vident dissimulent; qui spem Catilinæ mollibus sententiis aluerunt, conjurationemque nascentem non credendo corroboraverunt."* ["Some there are in this body who either do not see what threatens, or dissemble what they see; who have fed the hope of Catiline by mild sentiments, and strengthened the rising conspiracy by not believing it."—Cicero, *Oratio in Catilinam,* i, 12.] These words of the Roman orator picture the case here. As I listened to the Senator from Illinois while he painfully strove to show that there is no Usurpation, I was reminded of the effort by a distinguished logician to prove that Napoleon Bonaparte never existed. And permit me to say that the fact of his existence is not more entirely above doubt than the fact of this Usurpation. This I assert on proofs already presented. But confirmation comes almost while I speak. The columns of the public press are daily filled with testimony solemnly taken before the committee of Congress in Kansas, which attests, in awful light, the violence ending in the Usurpation. Of this I may speak on some other occasion. Meanwhile I proceed with the development of the Crime.

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The work of Usurpation was not perfected even yet. . . . To obtain final assurance that their Crime is secure, the whole Usurpation, stretching over the Territory, must be fastened and riveted by legislative bolt, spike, and screw, *so as to defy all effort at change through ordinary forms of law.* . . .

Mark, sir, three different legislative enactments, constituting part of this work. *First,* according to one act, all who deny, by spoken or written word, "the right of persons to hold slaves in this Territory," are denounced as felons, to be punished by imprisonment at hard labor for a term not less than two years,—it may be for life. To show the

extravagance of this injustice, it is well put by the Senator from Vermont [Mr. Collamer] that, should the Senator from Michigan [Mr. Cass], who believes that Slavery can not exist in a Territory unless introduced by express legislative act, venture there with his moderate opinions, his doom must be that of a felon! To such extent are the great liberties of speech and of the press subverted! *Secondly*, by another act, entitled "An Act concerning Attorneys-at-law," no person can practise as attorney unless he *shall obtain a license* from the Territorial courts, which, of course, a tyrannical discretion will be free to deny; and, after obtaining such license, he is constrained to take an oath not only "to support" the Constitution of the United States, but also "to support and sustain"—mark here the reduplication—the Territorial Act and the Fugitive Slave Bill, thus erecting a test for admission to the bar calculated to exclude citizens who honestly regard the latter legislative enormity as unfit to be obeyed. And, *thirdly*, by another act, entitled "An Act concerning Jurors," all persons "conscientiously opposed to the holding slaves" or "who do not admit the right to hold slaves in this Territory" are excluded from the jury on every question, civil or criminal, arising out of asserted slave property, while, in all cases, the summoning of the jury is left without one word of restraint to "the marshal, sheriff, or other officer," who is thus free to pack it according to his tyrannical discretion.

For the ready enforcement of all statutes against Human Freedom the President furnished a powerful quota of officers, in the governor, chief justice, judges, secretary, attorney, and marshal. The legislature completed this part of the work by constituting in each county a Board of Commissioners, composed of two persons, associated with the probate judge, whose duty it is to "appoint a county treasurer, coroner, justices of the peace, constables, and *all* other officers provided for by law," and then proceeding to the choice of this very Board, thus delegating and diffusing their usurped power, and tyrannically imposing upon the

Territory a crowd of officers in whose appointment the people had no voice, directly or indirectly.

And still the final, inexorable work remained to be done. A legislature renovated in both branches could not assemble until 1858, so that, during this long intermediate period, this whole system must continue in the likeness of law, unless overturned by the National Government, or, in default of such interposition, by the generous uprising of an oppressed people. But it was necessary to guard against possibility of change, even tardily, at a future election; and this was done by two different acts, under the *first* of which all who do not take the oath to support the Fugitive Slave Bill are excluded from the elective franchise, and under the *second* of which all others are entitled to vote who tender a tax of one dollar to the sheriff on the day of election; thus, by provision of Territorial law, disfranchising all opposed to Slavery, and at the same time opening the door to the votes of the invaders; by an unconstitutional shibboleth excluding from the polls the body of actual settlers, and by making the franchise depend upon a petty tax only admitting to the polls the mass of borderers from Missouri. By tyrannical forethought the Usurpation not only fortified all that it did, but assumed a *self-perpetuating* energy.

Thus was the Crime consummated. Slavery stands erect, clanking its chains on the Territory of Kansas, surrounded by a code of death, and trampling upon all cherished liberties, whether of speech, the press, the bar, the trial by jury, or the electoral franchise. And sir, all this is done, not merely to introduce a wrong which in itself is a denial of all rights, and in dread of which mothers have taken the lives of their offspring,—not merely, as is sometimes said, to protect Slavery in Missouri, since it is futile for this State to complain of Freedom on the side of Kansas when Freedom exists without complaint on the side of Iowa and also on the side of Illinois,—but it is done for the sake of political power, in order to bring two new slaveholding Sen-

ators upon this floor, and thus to fortify in the National Government the desperate chances of a waning Oligarchy. As the gallant ship voyaging on pleasant summer seas is assailed by a pirate crew and plundered of its doubloons and dollars, so is this beautiful Territory now assailed in peace and prosperity and robbed of its political power for the sake of Slavery. Even now the black flag of the land pirates from Missouri waves at the mast-head; in their laws you hear the pirate yell and see the flash of the pirate knife; while, incredible to relate, the President, gathering the Slave Power at his back, testifies a pirate sympathy.

Sir, all this was done in the name of Popular Sovereignty. And this is the close of the tragedy. Popular Sovereignty, which, when truly understood, is a fountain of just power, has ended in Popular Slavery,—not in the subjection of the unhappy African race merely, but of this proud Caucasian blood which you boast. The profession with which you began of *All by the People* is lost in the wretched reality of *Nothing for the People.* Popular Sovereignty, in whose deceitful name plighted faith was broken and an ancient Landmark of Freedom overturned, now lifts itself before us like Sin in the terrible picture of Milton, which

> "seemed woman to the waist, and fair,
> But ended foul in many a scaly fold
> Voluminous and vast, a serpent armed
> With mortal sting: about her middle round
> A cry of hell-hounds never ceasing barked
> With wide Cerberean mouths full loud, and rung
> A hideous peal; yet, when they list, would creep,
> If aught disturbed their noise, into her womb,
> And kennel there, yet there still barked and howled
> Within, unseen."

The image is complete at all points; and with this exposure I take my leave of the Crime against Kansas.

20. LINCOLN-DOUGLAS DEBATE—DOUGLAS'S OPENING SPEECH

(Delivered at Ottawa, Ill., August 21, 1858.)

It was Lincoln's debates with Douglas in 1858 that first brought him prominently before the whole country and (with his Cooper Union speech of February 27, 1860) procured for him the Republican nomination for the presidency.

In 1854 Lincoln failed by only four votes in the Illinois legislature of election to the United States Senate; and in 1858 he was again put forward as candidate by the Republican State convention at Springfield, in opposition to Douglas, who was seeking re-election. Lincoln accepted the nomination the same day (June 17th) in a speech clearly reviewing the national issues; Douglas replied at Chicago, July 9th; and the next evening Lincoln answered him. After further interchanges of speeches, a series of seven joint debates was arranged, which took place at Ottawa, Freeport, Jonesboro, Charleston, Galesburg, Quincy, and Alton, Ill., the first on August 21, the last on October 15, 1858. The first speaker in each debate was allowed one hour, his opponent was given one hour and a half for reply, and then the first speaker closed the debate in a rejoinder of one-half hour. In this and the following section are

Stephen Arnold Douglas. Born in Vermont, 1813; removed to New York, in 1830, and to Illinois in 1833; studied law, and admitted to the bar, 1834; Attorney-General, 1834–35; member of Illinois legislature, 1836; appointed Secretary of State (Illinois), 1840; elected Judge of Supreme Court, 1841; in U. S. Congress, 1843–47; Senator from Illinois, 1847–61; nominated for Presidency by Democratic National Convention, at Baltimore, 1860; died, 1861.

given Douglas's opening speech, and Lincoln's reply; Douglas's rejoinder closing the first debate is omitted as dealing with personalities of no great importance.

Douglas was a political leader of first-class ability, and was at this time at the height of his career. He had invented the doctrine of Popular Sovereignty, as a solution of the slavery question which should prove acceptable alike to Northern and Southern Democrats, and looked forward with some confidence to his election to the presidency in 1860. Compared with Lincoln, Douglas was better practiced in the arts of debate; but in the discussion of principles, the remorseless logic of Lincoln placed Douglas at his mercy. Douglas did not, however, make the mistake of underrating his awkward and ungainly opponent. "I shall have my hands full," he is reported to have said. "He is the strong man of his party—full of wit, facts, dates—and the best stump-speaker, with his droll ways and dry jokes, in the West. He is as honest as he is shrewd; and if I beat him, my victory will be hardly won." (Forney, *Anecdotes of Public Men*, II, p. 179.)

[Stephen A. Douglas, at Ottawa, Ill., August 21, 1858.]

Ladies and Gentlemen: I appear before you today for the purpose of discussing the leading political topics which now agitate the public mind. By an arrangement between Mr. Lincoln and myself, we are present here today for the purpose of having a joint discussion, as the representatives of the two great political parties of the State and Union, upon the principles in issue between those parties; and this vast concourse of people shows the deep feeling which pervades the public mind in regard to the questions dividing us.

Prior to 1854, this country was divided into two great political parties, known as the Whig and Democratic par-

ties. Both were national and patriotic, advocating principles that were universal in their application. An old-line Whig could proclaim his principles in Louisiana and Massachusetts alike. Whig principles had no boundary sectional line: they were not limited by the Ohio river, nor by the Potomac, nor by the line of the free and slave States, but applied and were proclaimed wherever the Constitution ruled or the American flag waved over the American soil. So it was and so it is with the great Democratic party, which from the days of Jefferson until this period has proven itself to be the historic party of this nation. While the Whig and Democratic parties differed in regard to a bank, the tariff, distribution, the specie circular, and the sub-treasury, they agreed on the great slavery question which now agitates the Union. I say that the Whig party and the Democratic party agreed on the slavery question, while they differed on those matters of expediency to which I have referred. The Whig party and the Democratic party jointly adopted the compromise measures of 1850 as the basis of a proper and just solution of the slavery question in all its forms. Clay was the great leader, with Webster on his right and Cass on his left and sustained by the patriots in the Whig and Democratic ranks, who had devised and enacted the compromise measures of 1850.

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During the session of Congress of 1853–54, I introduced into the Senate of the United States a bill to organize the Territories of Kansas and Nebraska on that principle which had been adopted in the compromise measures of 1850, approved by the Whig party and the Democratic party in Illinois in 1851, and indorsed by the Whig party and the Democratic party in national convention in 1852. In order that there might be no misunderstanding in relation to the principle involved in the Kansas and Nebraska bill, I put forth the true intent and meaning of the act in these words: "It is the true intent and meaning of this act not to legislate slavery into any State or Territory, or to exclude it

therefrom, but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the Federal Constitution." Thus you see that up to 1854, when the Kansas and Nebraska bill was brought into Congress for the purpose of carrying out the principles which both parties had up to that time indorsed and approved, there had been no division in this country in regard to that principle, except the opposition of the Abolitionists. . . .

In 1854 Mr. Abraham Lincoln and Mr. Lyman Trumbull entered into an arrangement, one with the other, and each with his respective friends, to dissolve the old Whig party on the one hand, and to dissolve the old Democratic party on the other, and to connect the members of both into an Abolition party, under the name and disguise of a Republican party. The terms of that arrangement between Lincoln and Trumbull have been published by Lincoln's special friend, James H. Matheny, Esq.; and they were that Lincoln should have General Shield's place in the United States Senate, which was then about to become vacant, and that Trumbull should have my seat when my term expired. Lincoln went to work to Abolitionize the old Whig party all over the State, pretending that he was then as good a Whig as ever; and Trumbull went to work in his part of the State preaching Abolitionism in its milder and lighter form, and trying to Abolitionize the Democratic party and bring old Democrats handcuffed and bound hand and foot into the Abolition camp. In pursuance of the arrangement, the parties met at Springfield in October, 1854, and proclaimed their new platform. Lincoln was to bring into the Abolition camp the old-line Whigs and transfer them over to Giddings, Chase, Fred Douglass, and Parson Lovejoy, who were ready to receive them and christen them in their new faith. They laid down on that occasion a platform for their new Republican party, which was thus to be constructed. I have the resolutions of the State convention then held, which was the first mass State convention ever

held in Illinois by the Black Republican party; and I now hold them in my hands and will read a part of them, and cause the others to be printed. Here are the most important and material resolutions of this Abolition platform:—

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"*Resolved,* That the times imperatively demand the reorganization of parties, and, repudiating all previous party attachments, names, and predilections, we unite ourselves together in defense of the liberty and Constitution of the country, and will hereafter co-operate as the Republican party, pledged to the accomplishment of the following purposes: to bring the administration of the government back to the control of first principles; to restore Nebraska and Kansas to the position of free Territories; that, as the Constitution of the United States vests in the States and not in Congress the power to legislate for the extradition of fugitives from labor, to repeal and entirely abrogate the fugitive-slave law; to restrict slavery to those States in which it exists; to prohibit the admission of any more slave States into the Union; to abolish slavery in the District of Columbia; to exclude slavery from all the Territories over which the general government has exclusive jurisdiction; and to resist the acquirement of any more Territories unless the practice of slavery therein forever shall have been prohibited."

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My object in reading these resolutions was to put the question to Abraham Lincoln this day, whether he now stands and will stand by each article in that creed, and carry it out. [1] I desire to know whether Mr. Lincoln to-day stands as he did in 1854, in favor of the unconditional repeal of the fugitive-slave law. [2] I desire him to answer whether he stands pledged to-day, as he did in 1854, against the admission of any more slave States into the Union, even if the people want them. [3] I want to know whether he stands pledged against the admission of a new State into the Union with such a constitution as the

people of that State may see fit to make. [4] I want to know whether he stands to-day pledged to the abolition of slavery in the District of Columbia. [5] I desire him to answer whether he stands pledged to the prohibition of the slave-trade between the different States. [6] I desire to know whether he stands pledged to prohibit slavery in all the Territories of the United States, north as well as south of the Missouri Compromise line. [7] I desire him to answer whether he is opposed to the acquisition of any more territory unless slavery is prohibited therein. I want his answer to these questions. Your affirmative cheers in favor of this Abolition platform are not satisfactory. I ask Abraham Lincoln to answer these questions, in order that, when I trot him down to lower Egypt [southernmost Illinois] I may put the same questions to him. My principles are the same everywhere. I can proclaim them alike in the North, the South, the East, and the West. My principles will apply wherever the Constitution prevails and the American flag waves. I desire to know whether Mr. Lincoln's principles will bear transplanting from Ottawa to Jonesboro? I put these questions to him to-day distinctly, and ask an answer. I have a right to an answer; for I quote from the platform of the Republican party, made by himself and others at the time that party was formed, and the bargain made by Lincoln to dissolve and kill the old Whig party and transfer its members, bound hand and foot, to the Abolition party under the direction of Giddings and Fred Douglass.

In the remarks I have made on this platform, and the position of Mr. Lincoln upon it, I mean nothing personally disrespectful or unkind to that gentleman. I have known him for nearly twenty-five years. There were many points of sympathy between us when we first got acquainted. We were both comparatively boys, and both struggling with poverty in a strange land. I was a school-teacher in the town of Winchester, and he a flourishing grocery-keeper in the town of Salem. He was more successful in his occupation than I was in mine, and hence more fortunate in this

world's goods. Lincoln is one of those peculiar men who perform with admirable skill everything which they undertake. I made as good a school-teacher as I could, and, when a cabinet-maker, I made a good bedstead and tables, although my old boss said I succeeded better with bureaus and secretaries than with anything else; but I believe that Lincoln was always more successful in business than I, for his business enabled him to get into the legislature. I met him there, however, and had sympathy with him, because of the up-hill struggle we both had in life. He was then just as good at telling an anecdote as now. He could beat any of the boys wrestling or running a foot-race, in pitching quoits or tossing a copper; could ruin more liquor than all the boys together; and the dignity and impartiality with which he presided at a horse-race or fist-fight excited the admiration and won the praise of everybody that was present and participated. I sympathized with him because he was struggling with difficulties, and so was I. Mr. Lincoln served with me in the legislature in 1836, when we both retired; and he subsided or became submerged, and he was lost sight of as a public man for some years. In 1846, when Wilmot introduced his celebrated proviso, and the Abolition tornado swept over the country, Lincoln again turned up as a member of Congress from the Sangamon district. I was then in the Senate of the United States, and was glad to welcome my old friend and companion. Whilst in Congress, he distinguished himself by his opposition to the Mexican War, taking the side of the common enemy against his own country; and when he returned home he found that the indignation of the people followed him everywhere, and he was again submerged or obliged to retire into private life, forgotten by his former friends. He came up again in 1854, just in time to make this Abolition or Black Republican platform,—in company with Giddings, Lovejoy, Chase, and Fred Douglass,—for the Republican party to stand upon.

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Having formed this new party for the benefit of deserters from Whiggery and deserters from Democracy, and having laid down the Abolition platform which I have read, Lincoln now takes his stand and proclaims his Abolition doctrines. Let me read a part of them. In his speech at Springfield to the convention which nominated him for the Senate he said:

"In my opinion, it will not cease until a crisis shall have been reached and passed. 'A house divided against itself can not stand.' I believe this government *can not endure permanently half slave and half free.* I do not expect the Union to be dissolved,—I do not expect the house to fall,—*but I do expect it will cease to be divided.* It will become all one thing or all the other. Either the opponents of slavery *will arrest the further spread of it,* and place it where the public mind shall rest in the belief *that it is in the course of ultimate extinction,* or its advocates *will push it forward till it shall become alike lawful in all the States,*—old as well as new, North as well as South." [*"Good," "Good," and cheers.*]

I am delighted to hear you Black Republicans say, "Good." I have no doubt that doctrine expresses your sentiments; and I will prove to you now, if you will listen to me, that it is revolutionary and destructive of the existence of this government. Mr. Lincoln, in the extract from which I have read, says that this government can not endure permanently in the same condition in which it was made by its framers—divided into free and slave States. He says that it has existed for about seventy years thus divided, and yet he tells you that it can not endure permanently on the same principles and in the same relative condition in which our fathers made it. Why can it not exist divided into free and slave States? Washington, Jefferson, Franklin, Madison, Hamilton, Jay, and the great men of that day made this government divided into free States and slave States, and left each State perfectly free to do as it pleased on

the subject of slavery. Why can it not exist on the same principles on which our fathers made it? They knew when they framed the Constitution that in a country as wide and broad as this, with such a variety of climate, production, and interest, the people necessarily required different laws and institutions in different localities. They knew that the laws and regulations which would suit the granite hills of New Hampshire would be unsuited to the rice plantations of South Carolina; and they therefore provided that each State should retain its own legislature and its own sovereignty, with the full and complete power to do as it pleased within its own limits, in all that was local and not national. One of the reserved rights of the States was the right to regulate the relations between master and servant, on the slavery question. At the time the Constitution was framed there were thirteen States in the Union, twelve of which were slaveholding States and one a free State. Suppose this doctrine of uniformity preached by Mr. Lincoln, that the States should all be free or all be slave, had prevailed; and what would have been the result? Of course, the twelve slaveholding States would have overruled the one free State; and slavery would have been fastened by a constitutional provision on every inch of the American republic, instead of being left, as our fathers wisely left it, to each State to decide for itself. Here I assert that uniformity in the local laws and institutions of the different States is neither possible nor desirable. If uniformity had been adopted when the government was established, it must inevitably have been the uniformity of slavery everywhere, or else the uniformity of negro citizenship and negro equality everywhere.

We are told by Lincoln that he is utterly opposed to the Dred Scott decision, and will not submit to it, for the reason that he says it deprives the negro of the rights and privileges of citizenship. That is the first and main reason which he assigns for his warfare on the Supreme Court of

the United States and its decision. I ask you, Are you in favor of conferring upon the negro the rights and privileges of citizenship? Do you desire to strike out of our State constitution that clause which keeps slaves and free negroes out of the State, and allow the free negroes to flow in, and cover your prairies with black settlements? Do you desire to turn this beautiful State into a free negro colony, in order that when Missouri abolishes slavery* she can send one hundred thousand emancipated slaves into Illinois, to become citizens and voters, on an equality with yourselves? If you desire negro citizenship, if you desire to allow them to come into the State and settle with the white man, if you desire them to vote on an equality with yourselves, and to make them eligible to office, to serve on juries, and to adjudge your rights, then support Mr. Lincoln and the Black Republican party, who are in favor of the citizenship of the negro. For one, I am opposed to negro citizenship in any and every form. I believe this government was made on the white basis. I believe it was made by white men, for the benefit of white men and their posterity forever; and I am in favor of confining citizenship to white men, men of European birth and descent, instead of conferring it upon negroes, Indians, and other inferior races.

Mr. Lincoln, following the example and lead of all the little Abolition orators who go around and lecture in the basements of schools and churches, reads from the Declaration of Independence that all men were created equal, and then asks, How can you deprive a negro of that equality which God and the Declaration of Independence award to him? He and they maintain that negro equality is guaranteed by the laws of God, and that it is asserted in the Declaration of Independence. If they think so, of course they have a right to say so, and so vote. I do not question Mr. Lincoln's conscientious belief that the negro was made

*Agitation to this end was begun early in 1857 by B. Gratz Brown in the Missouri legislature, and continued in his paper, the "Missouri Democrat."

his equal, and hence is his brother; but, for my own part, I do not regard the negro as my equal, and positively deny that he is my brother or any kin to me whatever. . . . I do not believe that the Almighty ever intended the negro to be the equal of the white man. If he did, he has been a long time demonstrating the fact. For thousands of years the negro has been a race upon the earth; and during all that time, in all latitudes and climates, wherever he has wandered or been taken, he has been inferior to the race which he has there met. He belongs to an inferior race, and must always occupy an inferior position. I do not hold that, because the negro is our inferior, therefore he ought to be a slave. By no means can such a conclusion be drawn from what I have said. On the contrary, I hold that humanity and Christianity both require that the negro shall have and enjoy every right, every privilege, and every immunity consistent with the safety of the society in which he lives. On that point, I presume, there can be no diversity of opinion. You and I are bound to extend to our inferior and dependent beings every right, every privilege, every facility and immunity consistent with the public good. The question then arises, What rights and privileges are consistent with the public good? This is a question which each State and each Territory must decide for itself. Illinois has decided it for herself. We have provided that the negro shall not be a slave; and we have also provided that he shall not be a citizen, but protect him in his civil rights, in his life, his person, and his property, only depriving him of all political rights whatsoever and refusing to put him on an equality with the white man. That policy of Illinois is satisfactory to the Democratic party and to me, and if it were to the Republicans there would then be no question upon the subject; but the Republicans say that he ought to be made a citizen, and when he becomes a citizen he becomes your equal, with all your rights and privileges. They assert the Dred Scott decision to be monstrous because it

denies that the negro is or can be a citizen under the Constitution.

Now, I hold that Illinois had a right to abolish and prohibit slavery as she did, and I hold that Kentucky has the same right to continue and protect slavery that Illinois had to abolish it. I hold that New York had as much right to abolish slavery as Virginia has to continue it, and that each and every State of this Union is a sovereign power, with the right to do as it pleases upon this question of slavery and upon all its domestic institutions. Slavery is not the only question which comes up in this controversy. There is a far more important one to you, and that is, What shall be done with the free negro? . . . In relation to the policy to be pursued toward the free negroes, we have said that they shall not vote; whilst Maine, on the other hand, has said that they shall vote. Maine is a sovereign State, and has the power to regulate the qualifications of voters within her limits. I would never consent to confer the right of voting and of citizenship upon a negro, but still I am not going to quarrel with Maine for differing from me in opinion. Let Maine take care of her own negroes, and fix the qualifications of her own voters to suit herself, without interfering with Illinois; and Illinois will not interfere with Maine. So with the State of New York. She allows the negro to vote provided he owns two hundred and fifty dollars' worth of property, but not otherwise. While I would not make any distinction whatever between a negro who held property and one who did not, yet if the sovereign State of New York chooses to make that distinction it is her business, and not mine; and I will not quarrel with her for it. She can do as she pleases on this question if she minds her own business, and we will do the same thing. Now, my friends, if we will only act conscientiously and rigidly upon this great principle of popular sovereignty, which guarantees to each State and Territory the right to do as it pleases on all things local and domestic instead of

Congress interfering, we will continue at peace one with another. Why should Illinois be at war with Missouri, or Kentucky with Ohio, or Virginia with New York, merely because their institutions differ? Our fathers intended that our institutions should differ. They knew that the North and the South, having different climates, productions, and interests, required different institutions. This doctrine of Mr. Lincoln, of uniformity among the institutions of the different States, is a new doctrine never dreamed of by Washington, Madison, or the framers of this government. Mr. Lincoln and the Republican party set themselves up as wiser than these men who made this government, which has flourished for seventy years under the principle of popular sovereignty, recognizing the right of each State to do as it pleased. Under that principle, we have grown from a nation of three or four millions to a nation of about thirty millions of people. We have crossed the Alleghany mountains and filled up the whole Northwest, turning the prairie into a garden, and building up churches and schools, thus spreading civilization and Christianity where before there was nothing but savage barbarism. Under that principle we have become, from a feeble nation, the most powerful on the face of the earth; and, if we only adhere to that principle, we can go forward increasing in territory, in power, in strength, and in glory until the Republic of America shall be the north star that shall guide the friends of freedom throughout the civilized world. And why can we not adhere to the great principle of self-government upon which our institutions were originally based? I believe that this new doctrine preached by Mr. Lincoln and his party will dissolve the Union if it succeeds. They are trying to array all the Northern States in one body against the South, to excite a sectional war between the Free States and the Slave States, in order that the one or the other may be driven to the wall.

21. LINCOLN-DOUGLAS DEBATE — LINCOLN'S FIRST REPLY

(Delivered at Ottawa, Ill., August 21, 1858.)

In response to a request from the compiler of the *Dictionary of Congress,* Lincoln in 1858 furnished this sketch of his life: "Born February 12, 1809, in Hardin county, Kentucky. Education defective. Profession, a lawyer. Have been a captain of volunteers in Black Hawk War. Postmaster at a very small office. Four times a member of the Illinois legislature, and was a member of the lower house of Congress."

With all of his modesty, however, Lincoln was intensely ambitious, and looked with something like envy upon the career of his lifelong rival Douglas; but his ambition was noble and far-seeing. To the urging of his friends that he omit the "house divided against itself" passage from his speech accepting the nomination for Senator, he had replied: "That expression is a truth of all human experience. . . . I want to use some universally known figure expressed in simple language as universally well known, that may strike home to the minds of men in order to raise them up to the peril of the times; I do not believe I would be right in changing or omitting it. I would rather be defeated with this expression in the speech, and uphold and discuss it before the people, than be victorious without it."

Abraham Lincoln. Born in Kentucky, 1809; removed to Indiana, 1816; removed to Illinois, 1830; admitted to the bar, 1836; member Illinois legislature, 1834-42; member of Congress, 1847-49; President, 1861-65; assassinated, April 14, 1865.

(Herndon, *Life of Lincoln*, pp. 398-400.) The opportunity for discussion was now his, and that he made the most of it, the subjoined speech will show.

It may here be noted that the seven questions put to Lincoln in the foregoing speech (p. 313) were not answered by him until the second debate, at Freeport, where Lincoln had the opening speech. The answers were practically all negatives, except for the reply that he did believe that it was the right and duty of Congress to prohibit slavery in all the Territories. Lincoln then asked Douglas four questions, of which the chief one was, "Can the people of a United States Territory, in any lawful way, against the wish of any citizen of the United States, exclude slavery from its limits prior to the formation of a State constitution?" Douglas's reply was to the effect that, in spite of the Supreme Court decision in the Dred Scott case, the people might "by unfriendly legislation effectually prevent the introduction" of slavery. This "Freeport doctrine" may be said to have gained for Douglas his re-election as Senator, but lost him his chance of election as President two years later by alienating from him the Southern Democratic vote.

[Abraham Lincoln, at Ottawa, Ill., August 21, 1858.]

My Fellow Citizens: When a man hears himself somewhat misrepresented, it provokes him,—at least I find it so with myself; but when misrepresentation becomes very gross and palpable it is more apt to amuse him. The first thing I see fit to notice is the fact that Judge Douglas alleges, after running through the history of the old Democratic and the old Whig parties, that Judge Trumbull and myself made an arrangement in 1854 by which I was to have the place of General Shields in the United States Senate, and Judge Trumbull was to have the

place of Judge Douglas. Now all I have to say upon that subject is that I think no man—not even Judge Douglas—can prove it, *because it is not true.* I have no doubt he is "conscientious" in saying it. As to those resolutions that he took such a length of time to read, as being the platform of the Republican party in 1854, I say I never had anything to do with them; and I think Trumbull never had. Judge Douglas can not show that either of us ever did have anything to do with them. I believe this is true about those resolutions: There was a call for a convention to form a Republican party at Springfield; and I think that my friend, Mr. Lovejoy, who is here upon this stand, had a hand in it. I think this is true; and I think, if he will remember accurately, he will be able to recollect that he tried to get me into it and I would not go in. I believe it is also true that I went away from Springfield, when the convention was in session, to attend court in Tazewell County. It is true they did place my name, though without authority, upon the committee, and afterward wrote me to attend the meeting of the committee; but I refused to do so, and I never had anything to do with that organization. This is the plain truth about all that matter of the resolutions.

Now, about this story that Judge Douglas tells of Trumbull bargaining to sell out the old Democratic party, and Lincoln agreeing to sell out the old Whig party, I have the means of *knowing* about that; Judge Douglas can not have; and I know there is no substance to it whatever. Yet I have no doubt he is "conscientious" about it. I know that after Mr. Lovejoy got into the legislature that winter he complained to me that I had told all the old Whigs of his district that the old Whig party was good enough for them, and some of them voted against him because I told them so. Now, I have no means of totally disproving such charges as this which the Judge makes. A man can not prove a negative; but he has a right to claim that, when a man makes an affirmative charge, he must offer some proof to show the truth of what he says. I certainly can not in-

troduce testimony to show the negative about things; but I have a right to claim that, if a man says he *knows* a thing, then he must show *how he knows it.* I always have a right to claim this, and it is not satisfactory to me that he may be "conscientious" on the subject.

Now, gentlemen, I hate to waste my time on such things, but in regard to that general Abolition tilt that Judge Douglas makes when he says that I was engaged at that time in selling out and Abolitionizing the old Whig party, I hope you will permit me to read a part of a printed speech that I made then at Peoria, which will show altogether a different view of the position I took in that contest of 1854. [*Voice: "Put on your specs."*] Yes, sir, I am obliged to do so; I am no longer a young man:

"This is the *repeal* of the Missouri Compromise. The foregoing history may not be precisely accurate in every particular; but I am sure it is sufficiently so for all the uses I shall attempt to make of it, and in it we have before us the chief materials enabling us to correctly judge whether the repeal of the Missouri Compromise is right or wrong.

"I think, and shall try to show, that it is wrong,—wrong in its direct effect, letting slavery into Kansas and Nebraska,—and wrong in its prospective principle, allowing it to spread to every other part of the wide world where men can be found inclined to take it.

"This *declared* indifference, but as I must think covert *real* zeal for the spread of slavery, I can not but hate. I hate it because of the monstrous injustice of slavery itself. I hate it because it deprives our republican example of its just influence in the world; enables the enemies of free institutions, with plausibility, to taunt us as hypocrites; causes the real friends of freedom to doubt our sincerity, and especially because it forces so many really good men amongst ourselves into an open war with the very fundamental principles of civil liberty,—criticizing the Declaration of Inde-

pendence, and insisting that there is no right principle of action but *self-interest.*

"Before proceeding, let me say I think I have no prejudice against the Southern people. They are just what we would be in their situation. If slavery did not now exist among them, they would not introduce it. If it did now exist among us, we should not instantly give it up. This I believe of the masses North and South. Doubtless there are individuals on both sides who would not hold slaves under any circumstances; and others who would gladly introduce slavery anew, if it were out of existence. We know that some Southern men do free their slaves, go North, and become tip-top Abolitionists; while some Northern ones go South, and become most cruel slavemasters.

"When Southern people tell us they are no more responsible for the origin of slavery than we, I acknowledge the fact. When it is said that the institution exists, and that it is very difficult to get rid of it in any satisfactory way, I can understand and appreciate the saying. I surely will not blame them for not doing what I should not know how to do myself. If all earthly power were given me, I should not know what to do as to the existing institution. My first impulse would be to free all the slaves, and send them to Liberia,—to their own native land. But a moment's reflection would convince me that, whatever of high hope (as I think there is) there may be in this in the long run, its sudden execution is impossible. If they were all landed there in a day, they would all perish in the next ten days; and there are not surplus shipping and surplus money enough in the world to carry them there in many times ten days. What then? Free them all, and keep them among us as underlings? Is it quite certain that this betters their condition? I think I would not hold one in slavery, at any rate; yet the point is not clear enough to me to denounce people upon. What next? Free them, and make them politically and socially our equals? My own feelings will not admit of this; and if mine would, we well know that those

of the great mass of white people will not. Whether this feeling accords with justice and sound judgment is not the sole question, if indeed it is any part of it. A universal feeling, whether well or ill founded, can not be safely disregarded. We can not make them equals. It does seem to me that systems of gradual emancipation might be adopted; but for their tardiness in this I will not undertake to judge our brethren of the South.

"When they remind us of their constitutional rights, I acknowledge them, not grudgingly, but fully and fairly; and I would give them any legislation for the reclaiming of their fugitives which should not, in its stringency, be more likely to carry a free man into slavery than our ordinary criminal laws are to hang an innocent one.

"But all this, to my judgment, furnishes no more excuse for permitting slavery to go into our own free territory than it would for reviving the African slave-trade by law. The law which forbids the bringing of slaves from Africa, and that which has so long forbidden the taking of them to Nebraska, can hardly be distinguished on any moral principle; and the repeal of the former could find quite as plausible excuses as that of the latter."

I have reason to know that Judge Douglas *knows* that I said this. I think he has the answer here to one of the questions he put to me. I do not mean to allow him to catechize me unless he pays back for it in kind. I will not answer questions one after another, unless he reciprocates; but as he has made this inquiry, and I have answered it before, he has got it without my getting anything in return. He has got my answer on the fugitive-slave law.

Now, gentlemen, I don't want to read at any great length; but this is the true complexion of all I have ever said in regard to the institution of slavery and the black race. This is the whole of it; and anything that argues me into his idea of perfect social and political equality with the negro is but a specious and fantastic arrangement of

words, by which a man can prove a horse-chestnut to be a chestnut horse. I will say here, while upon this subject, that I have no purpose, either directly or indirectly, to interfere with the institution of slavery in the States where it exists. I believe I have no lawful right to do so, and I have no inclination to do so. I have no purpose to introduce political and social equality between the white and the black races. There is a physical difference between the two which, in my judgment, will probably forever forbid their living together upon the footing of perfect equality; and, inasmuch as it becomes a necessity that there must be a difference, I as well as Judge Douglas am in favor of the race to which I belong having the superior position. I have never said anything to the contrary, but I hold that, notwithstanding all this, there is no reason in the world why the negro is not entitled to all the natural rights enumerated in the Declaration of Independence,—the right to life, liberty, and the pursuit of happiness. I hold that he is as much entitled to these as the white man. I agree with Judge Douglas he is not my equal in many respects,—certainly not in color, perhaps not in moral or intellectual endowment. But *in the right to eat the bread, without the leave of anybody else, which his own hand earns, he is my equal and the equal of Judge Douglas, and the equal of every living man.*

Now I pass on to consider one or two more of these little follies. The Judge is wofully at fault about his early friend Lincoln being a "grocery-keeper." I don't think that it would be a great sin if I had been; but he is mistaken. Lincoln never kept a grocery anywhere in the world. It is true that Lincoln did work the latter part of one winter in a little still-house up at the head of a hollow. And so I think my friend, the Judge, is equally at fault when he charges me at the time when I was in Congress of having opposed our soldiers who were fighting in the Mexican War. The Judge did not make his charge very distinctly; but I tell you what he can prove, by refer-

ring to the record. You remember I was an Old Whig; and whenever the Democratic party tried to get me to vote that the war had been righteously begun by the President, I would not do it. But whenever they asked for any money or land-warrants or anything to pay the soldiers there, during all that time, I gave the same vote that Judge Douglas did. You can think as you please as to whether that was consistent. Such is the truth; and the Judge has the right to make all he can out of it. But when he, by a general charge, conveys the idea that I withheld supplies from the soldiers who were fighting in the Mexican war, or did anything else to hinder the soldiers, he is, to say the least, grossly and altogether mistaken, as a consultation of the records will prove to him.

As I have not used up so much of my time as I had supposed, I will dwell a little longer upon one or two of these minor topics upon which the Judge has spoken. He has read from my speech in Springfield in which I say that "a house divided against itself can not stand." Does the Judge say it *can* stand? I don't know whether he does or not. The Judge does not seem to be attending to me just now, but I would like to know if it is his opinion that a house divided against itself *can stand.* If he does, then there is a question of veracity, not between him and me, but between the Judge and an authority of a somewhat higher character.

Now, my friends, I ask your attention to this matter for the purpose of saying something seriously. I know that the Judge may readily enough agree with me that the maxim which was put forth by the Savior is true, but he may allege that I misapply it; and the Judge has a right to urge that in my application I do misapply it, and then I have a right to show that I do *not* misapply it. When he undertakes to say that, because I think this nation so far as the question of slavery is concerned will all become one thing or all the other, I am in favor of bringing about a dead uniformity in the various States in all their institutions, he

argues erroneously. The great variety of the local institutions in the States, springing from differences in the soil, differences in the face of the country, and in the climate, are bonds of union. They do not make "a house divided against itself," but they make a house united. If they produce in one section of the country what is called for by the wants of another section, and this other section can supply the wants of the first, they are not matters of discord, but bonds of union,—true bonds of union. But can this question of slavery be considered as among *these* varieties in the institutions of the country? I leave it to you to say whether, in the history of our government, this institution of slavery has not always failed to be a bond of union, and on the contrary been an apple of discord and an element of division in the house. I ask you to consider whether, so long as the moral constitution of men's minds shall continue to be the same, after this generation and assemblage shall sink into the grave and another race shall arise with the same moral and intellectual development we have,—whether, if that institution is standing in the same irritating position in which it now is, it will not continue an element of division?

If so, then I have a right to say that, in regard to this question, the Union is a house divided against itself; and when the Judge reminds me that I have often said to him that the institution of slavery has existed for eighty years in some States, and yet it does not exist in some others, I agree to the fact, and I account for it by looking at the position in which our fathers originally placed it,—restricting it from the new Territories where it had not gone, and legislating to cut off its source by the abrogation of the slave trade, thus putting the seal of legislation *against its spread.* The public mind *did* rest in the belief that it was in the course of ultimate extinction. But lately, I think,—and in this I charge nothing on the Judge's motives,—lately, I think that he, and those acting with him, have placed that institution on a new basis, which looks to the *perpetuity*

and nationalization of slavery. And while it is placed upon this new basis, I say and I have said that I believe we shall not have peace upon the question until the opponents of slavery arrest the further spread of it, and place it where the public mind shall rest in the belief that it is in the course of ultimate extinction; or, on the other hand, that its advocates will push it forward until it shall become alike lawful in all the States, old as well as new, North as well as South. Now I believe, if we could arrest the spread and place it where Washington and Jefferson and Madison placed it, it *would be* in the course of ultimate extinction, and the public mind would, as for eighty years past, believe that it was in the course of ultimate extinction. The crisis would be past, and the institution might be let alone for a hundred years—if it should live so long—in the States where it exists, yet it would be going out of existence in the way best for both the black and the white races.

[*A voice: "Then do you repudiate Popular Sovereignty?"*]

Well, then, let us talk about popular sovereignty. What is Popular Sovereignty? Is it the right of the people to have slavery or not have it, as they see fit, in the Territories? I will state—and I have an able man to watch me—my understanding is that Popular Sovereignty, as now applied to the question of slavery, does allow the people of a Territory to *have* slavery if they want to, but does not allow them *not* to have it if they do not want it. I do not mean that, if this vast concourse of people were in a Territory of the United States, any one of them would be obliged to have a slave if he did not want one; but I do say that, as I understand the Dred Scott decision, if any one man wants slaves all the rest have no way of keeping that one man from holding them.

When I made my speech at Springfield, of which the Judge complains and from which he quotes, I really was not thinking of the things which he ascribes to me at all. I had no thought in the world that I was doing anything

to bring about a war between the Free and Slave States. I had no thought in the world that I was doing anything to bring about a political and social equality of the black and white races. It never occurred to me that I was doing anything or favoring anything to reduce to a dead uniformity all the local institutions of the various States. But I must say, in all fairness to him, if he thinks I am doing something which leads to these bad results, it is none the better that I did not mean it. It is just as fatal to the country, if I have any influence in producing it, whether I intend it or not. But can it be true that placing this institution upon the original basis—the basis upon which our fathers placed it—can have any tendency to set the Northern and the Southern States at war with one another, or that it can have any tendency to make the people of Vermont raise sugar-cane because they raise it in Louisiana, or that it can compel the people of Illinois to cut pine logs on the Grand Prairie, where they will not grow, because they cut pine logs in Maine, where they do grow? The Judge says this is a new principle started in regard to this question. Does the Judge claim that he is working on the plan of the founders of the government? I think he says in some of his speeches—indeed, I have one here now—that he saw evidence of a policy to allow slavery to be south of a certain line, while north of it it should be excluded; and he saw an indisposition on the part of the country to stand upon that policy, and therefore he set about studying the subject upon *original principles,* and upon *original principles* he got up the Nebraska bill! I am fighting it upon these "original principles,"—fighting it in the Jeffersonian, Washingtonian, and Madisonian fashion.

Now, my friends, I wish you to attend for a little while to one or two other things in that Springfield speech. My main object was to show, so far as my humble ability was capable of showing, to the people of this country what I believed was the truth,—that there was a *tendency,* if not a conspiracy, among those who have engineered this slavery

question for the last four or five years, to make slavery perpetual and universal in this nation. Having made that speech principally for that object, after arranging the evidences that I thought tended to prove my proposition, I concluded with this bit of comment:

"We can not absolutely know that these exact adaptations are the result of pre-concert; but, when we see a lot of framed timbers, different portions of which we know have been gotten out at different times and places, and by different workmen,—Stephen [Senator Douglas], Franklin [President Pierce] Roger, [Chief Justice Taney] and James [President Buchanan], for instance,—and when we see these timbers joined together, and see they exactly make the frame of a house or a mill, all the tenons and mortises exactly fitting, and all the lengths and proportions of the different pieces exactly adapted to their respective places, and not a piece too many or too few,—not omitting even the scaffolding,—or if a single piece be lacking, we see the place in the frame exactly fitted and prepared to yet bring such piece in,—in such a case we feel it impossible not to believe that Stephen, and Franklin, and Roger, and James, all understood one another from the beginning, and all worked upon a common plan or draft drawn before the first blow was struck."

When my friend, Judge Douglas, came to Chicago on the 9th of July, this speech having been delivered on the 16th of June, he made an harangue there in which he took hold of this speech of mine, showing that he had carefully read it; and, while he paid no attention to *this* matter at all, but complimented me as being a "kind, amiable, and intelligent gentleman," notwithstanding I had said this, he goes on and deduces, or draws out, from my speech this tendency of mine to set the States at war with one another, to make all the institutions uniform, and set the niggers and white people to marry together. Then, as the Judge had

complimented me with these pleasant titles, (I must confess to my weakness) I was a little "taken;" for it came from a great man. I was not very much accustomed to flattery, and it came the sweeter to me. I was rather like the Hoosier with the gingerbread, when he said he reckoned he loved it better than any other man, and got less of it. As the Judge had so flattered me, I could not make up my mind that he meant to deal unfairly with me. So I went to work to show him that he misunderstood the whole scope of my speech, and that I really never intended to set the people at war with one another. As an illustration, the next time I met him, which was at Springfield, I used this expression, that I claimed no right under the Constitution, nor had I any inclination, to enter into the Slave States and interfere with the institutions of slavery. He says upon that: Lincoln will not enter into the slave States, but will go to the banks of the Ohio, on this side, and shoot over! He runs on, step by step, in the horse-chestnut style of argument, until in the Springfield speech he says, "Unless he shall be successful in firing his batteries until he shall have extinguished slavery in all the States, the Union shall be dissolved." Now I don't think that was exactly the way to treat "a kind, amiable, intelligent gentleman." I know if I had asked the Judge to show when or where it was I had said that, if I didn't succeed in firing into the Slave States until slavery should be extinguished, the Union should be dissolved, he could not have shown it. I understand what he would do. He would say, "I don't mean to quote from you, but this was the *result* of what you say." But I have the right to ask, and I do ask now, Did you not put it in such a form that an ordinary reader or listener would take it as an expression *from me?*

In a speech at Springfield, on the night of the 17th, I thought I might as well attend to my own business a little; and I recalled his attention as well as I could to this charge of conspiracy to nationalize slavery. I called his attention to the fact that he had acknowledged in my hearing twice

that he had carefully read the speech; and, in the language of the lawyers, as he had twice read the speech and still had put in no plea or answer, I took a default on him. I insisted that I had a right then to renew that charge of conspiracy. Ten days afterward I met the Judge at Clinton,—that is to say, I was on the ground, but not in the discussion, —and heard him make a speech. Then he comes in with his plea to this charge, for the first time; and his plea when put in, as well as I can recollect it, amounted to this: That he never had any talk with Judge Taney or the President of the United States with regard to the Dred Scott decision before it was made; I (Lincoln) ought to know that the man who makes a charge without knowing it to be true falsifies as much as he who knowingly tells a falsehood; and, lastly, that he would pronounce the whole thing a falsehood; but he would make no personal application of the charge of falsehood, not because of any regard for the "kind, amiable, intelligent gentleman," but because of his own personal self-respect! I have understood since then (but [turning to Judge Douglas] will not hold the Judge to it if he is not willing) that he has broken through the "self-respect," and has got to saying the thing *out*. The Judge nods to me that it is so. It is fortunate for me that I can keep as good-humored as I do, when the Judge acknowledges that he has been trying to make a question of veracity with me. I know the Judge is a great man, while I am only a small man; but I feel that I have got him. I demur to that plea. I waive all objections that it was not filed till after default was taken, and demur to it upon the merits. What if Judge Douglas never did talk with Chief Justice Taney and the President before the Dred Scott decision was made: does it follow that he could not have had as perfect an understanding without talking as with it? I am not disposed to stand upon my legal advantage. I am disposed to take his denial as being like an answer in chancery, that he neither had any knowledge, information, nor belief in the existence of such a conspiracy.

I am disposed to take his answer as being as broad as though he had put it in these words. And now, I ask, even if he had done so, have not I a right to *prove it on him,* and to offer the evidence of more than two witnesses, by whom to prove it; and if the evidence proves the existence of the conspiracy, does his broad answer denying all knowledge, information, or belief, disturb the fact? It can only show that he was *used* by conspirators, and was not a *leader* of them.

. . . I want to ask your attention to a portion of the Nebraska bill which Judge Douglas has quoted: "It being the true intent and meaning of this Act not to legislate slavery into any Territory or State, nor to exclude it therefrom, but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States." Thereupon Judge Douglas and others began to argue in favor of "Popular Sovereignty,"—the right of the people to have slaves if they wanted them, and to exclude slavery if they did not want them. "But," said, in substance, a Senator from Ohio (Mr. Chase, I believe), "we more than suspect that you do not mean to allow the people to exclude slavery if they wish to; and if you do mean it, accept an amendment which I propose expressly authorizing the people to exclude slavery." I believe I have the amendment here before me which was offered, and under which the people of the Territory, through their proper representatives, might, if they saw fit, prohibit the existence of slavery therein. And now I state it as a *fact,* to be taken back if there is any mistake about it, that Judge Douglas and those acting with him *voted that amendment down.* I now think that those men who voted it down had a *real reason* for doing so. They know what that reason was. It looks to us, since we have seen the Dred Scott decision pronounced, holding that "under the Constitution" the people can not exclude slavery—I say it looks to outsiders, poor, simple, "amiable, intelligent gentlemen," as

though the niche was left as a place to put that Dred Scott decision in,—a niche which would have been spoiled by adopting the amendment. And now I say again, if *this* was not the reason, it will avail the Judge much more to calmly and good-humoredly point out to these people what that *other* reason was for voting the amendment down than swelling himself up to vociferate that he may be provoked to call somebody a liar.

Again, there is in that same quotation from the Nebraska bill this clause: "It being the true intent and meaning of this bill not to legislate slavery into any Territory or *State.*" I have always been puzzled to know what business the word "State" had in that connection. Judge Douglas knows. He put it there. He knows what he put it there for. We outsiders can not say what he put it there for. The law they were passing was not about States, and was not making provision for States. What was it placed there for? After seeing the Dred Scott decision, which holds that the people can not exclude slavery from a *Territory,* if another Dred Scott decision shall come, holding that they can not exclude it from a *State,* we shall discover that when the word was originally put there it was in view of something which was to come in due time; we shall see that it was the *other half* of something. I now say again, if there is any different reason for putting it there, Judge Douglas, in a good-humored way, without calling anybody a liar, *can tell what the reason was.*

. . . . . .

Now, my friends, I have but one branch of the subject, in the little time I have left, to which to call your attention; and, as I shall come to a close at the end of that branch, it is probable that I shall not occupy quite all the time allotted to me. Although on these questions I would like to talk twice as long as I have, I could not enter upon another head and discuss it properly without running over my time. I ask the attention of the people here assembled and elsewhere to the course that Judge Douglas is pursuing every

day as bearing upon this question of making slavery national. Not going back to the records, but taking the speeches he makes, the speeches he made yesterday and day before, and makes constantly all over the country,—I ask your attention to them. In the first place, what is necessary to make the institution national? Not war. There is no danger that the people of Kentucky will shoulder their muskets, and, with a young nigger stuck on every bayonet, march into Illinois and force them upon us. There is no danger of our going over there and making war upon them. Then what is necessary for the nationalization of slavery? It is simply the next Dred Scott decision. It is merely for the Supreme Court to decide that no *State* under the Constitution can exclude it, just as they have already decided that under the Constitution neither Congress nor the Territorial legislature can do it. When that is decided and acquiesced in, the whole thing is done. This being true, and this being the way, as I think, that slavery is to be made national, let us consider what Judge Douglas is doing every day to that end. In the first place, let us see what influence he is exerting on public sentiment. In this and like communities, public sentiment is everything. With public sentiment, nothing can fail: without it, nothing can succeed. Consequently, he who moulds public sentiment goes deeper than he who enacts statutes or pronounces decisions. He makes statutes and decisions possible or impossible to be executed. This must be borne in mind, as also the additional fact that Judge Douglas is a man of vast influence, so great that it is enough for many men to profess to believe anything when they once find out that Judge Douglas professes to believe it. Consider also the attitude he occupies at the head of a large party,—a party which he claims has a majority of all the voters in the country.

This man sticks to a decision which forbids the people of a Territory to exclude slavery, and he does so not because he says it is right in itself,—he does not give any opinion on that,—but because it has been *decided by the court;* and,

being decided by the court, he is, and you are, bound to take it in your political action as law,—not that he judges at all of its merits, but because a decision of the court is to him a "Thus saith the Lord." He places it on that ground alone, and you will bear in mind that thus committing himself unreservedly to this decision *commits him to the next one* just as firmly as to this. He did not commit himself on account of the merit or demerit of the decision, but it is a "Thus saith the Lord." The next decision, as much as this, will be a "Thus saith the Lord." There is nothing that can divert or turn him away from this decision. It is nothing that I point out to him that his great prototype, General Jackson, did not believe in the binding force of decisions. It is nothing to him that Jefferson did not so believe. I have said that I have often heard him approve of Jackson's course in disregarding the decision of the Supreme Court pronouncing a national bank constitutional. He says I did not hear him say so. He denies the accuracy of my recollection. I say he ought to know better than I; but I will make no question about this thing, though it still seems to me that I heard him say it twenty times. I will tell him, though, that he now claims to stand on the Cincinnati platform, which affirms that Congress can not charter a national bank, in the teeth of that old standing decision that Congress can charter a bank. And I remind him of another piece of history on the question of respect for judicial decisions, and it is a piece of Illinois history, belonging to a time when a large party to which Judge Douglas belonged were displeased with a decision of the Supreme Court of Illinois because they had decided that a Governor could not remove a Secretary of State. You will find the whole story in Ford's *History of Illinois,* and I know that Judge Douglas will not deny that he was then in favor of overslaughing that decision by the mode of adding five new judges, so as to vote down the four old ones. Not only so, but it ended in the Judge's sitting down on the very bench as one of the five new Judges to break down the four old ones. It was

in this way precisely that he got his title of judge. Now, when the Judge tells me that men appointed conditionally to sit as members of a court will have to be catechised beforehand upon some subject, I say, "You know, Judge; you have tried it." When he says a court of this kind will lose the confidence of all men, will be prostituted and disgraced by such a proceeding, I say, "You know best, Judge; you have been through the mill."

But I can not shake Judge Douglas's teeth loose from the Dred Scott decision. Like some obstinate animal (I mean no disrespect) that will hang on when he has once got his teeth fixed, you may cut off a leg or you may tear away an arm, still he will not relax his hold. And so I may point out to the Judge, and say that he is bespattered all over, from the beginning of his political life to the present time, with attacks upon judicial decisions; I may cut off limb after limb of his public record, and strive to wrench from him a single dictum of the court,—yet I can not divert him from it. He hangs to the last to the Dred Scott decision. These things show there is a purpose strong as death and eternity for which he adheres to this decision, and for which he will adhere to all other decisions of the same court. [A voice: *"Give us something besides Dred Scott."*] Yes; no doubt you want to hear something that don't hurt.

Now, having spoken of the Dred Scott decision, one more word and I am done. Henry Clay, my beau-ideal of a statesman, the man for whom I fought all my humble life,—Henry Clay once said of a class of men who would repress all tendencies to liberty and ultimate emancipation, that they must, if they would do this, go back to the era of our independence and muzzle the cannon which thunders its annual joyous return; they must blow out the moral lights around us; they must penetrate the human soul and eradicate there the love of liberty; and then, and not till then, could they perpetuate slavery in this country! To my thinking, Judge Douglas is, by his example and vast influence, doing that very thing in this community when he says that

the negro has nothing in the Declaration of Independence. Henry Clay plainly understood the contrary. Judge Douglas is going back to the era of our Revolution, and to the extent of his ability muzzling the cannon which thunders its annual joyous return. When he invites any people, willing to have slavery, to establish it, he is blowing out the moral lights around us. When he says he "cares not whether slavery is voted down or voted up,"—that it is a sacred right of self-government,—he is, in my judgment, penetrating the human soul, and eradicating the light of reason and the love of liberty in this American people. And now I will only say that when, by all these means and appliances, Judge Douglas shall succeed in bringing public sentiment to an exact accordance with his own views,—when these vast assemblages shall echo back all these sentiments, —when they shall come to repeat his views and to avow his principles, and to say all that he says on these mighty questions,—then it needs only the formality of the second Dred Scott decision, which he indorses in advance, to make slavery alike lawful in all the States, old as well as new, North as well as South.

22. WILLIAM H. SEWARD, of New York.—THE IRREPRESSIBLE CONFLICT

(Delivered at Rochester, N. Y., October 21, 1858.)

Four months after Lincoln first put forth his "house divided against itself" doctrine, the same thought was expressed independently by Senator Seward at Rochester, N. Y., in his speech on the Irrepressible Conflict. The impression made by Lincoln's speech was considerable, but it was as nothing compared to the furor aroused both North and South by Seward's declaration; for Seward was almost universally looked upon as the next candidate of the Republican party for the presidency.

Of Seward's speech, Mr. Rhodes says: "Few speeches from the stump have attracted so great attention or exerted so great an influence;" and he rightly describes it as "a philippic against the Democratic party and its devotion to slavery." (*History of the United States from 1850,* II, p. 344.) Its author was unquestionably one of the foremost statesmen of his time; but his utterances here fall short alike of the trenchant directness of Lincoln's words, and Lincoln's downright honesty with the people, of whom he was one. There is a strain of fallacious exaggeration running through Seward's speech which he, as an upper-class statesman appealing to the masses, may have deemed nec-

William Henry Seward. Born in New York State, 1801; graduated from Union College, 1820; began the practice of law, at Auburn, N. Y., which was thenceforth his home, 1823; served for four years as a Whig in the State Senate; Governor of New York, 1838-42; United States Senator, 1849-61; member of the Republican party since 1856; Secretary of State, 1861-69, siding with President Johnson in the quarrel of the latter with Congress; died, 1872.

essary, but which Lincoln's shrewder sense and keener logic avoided. To particularize: slavery, as we can now see, was not the cause of the troubles of South America, nor of the despotism of Russia; a free labor system does not alone secure "universal contentment;" free labor and slave labor are not entirely incompatible; and the attitude of the fathers of the Constitution on slavery, and the provisions of that document itself, were not altogether what Seward asserted them to be. Nevertheless, Seward's speech was unquestionably a great one and it did much to strengthen the Republican party.

[William H. Seward, at Rochester, N. Y., October 21, 1858.]

THE UNMISTAKABLE outbreaks of zeal which occur all around me, show that you are earnest men—and such a man am I. Let us therefore, at least for a time, pass by all secondary and collateral questions, whether of a personal or of a general nature, and consider the main subject of the present canvass. The Democratic party—or, to speak more accurately, the party which wears that attractive name—is in possession of the Federal government. The Republicans propose to dislodge that party, and dismiss it from its high trust.

The main subject, then, is, whether the Democratic party deserves to retain the confidence of the American people. In attempting to prove it unworthy, I think that I am not actuated by prejudices against that party, or by prepossessions in favor of its adversary; for I have learned, by some experience, that virtue and patriotism, vice and selfishness, are found in all parties, and that they differ less in their motives than in the policies they pursue.

Our country is a theater which exhibits, in full operation, two radically different political systems; the one resting on the basis of servile or slave labor, the other on the basis of voluntary labor of free men.

The laborers who are enslaved are all negroes, or persons more or less purely of African derivation. But this is only accidental. The principle of the system is, that labor in every society, by whomsoever performed, is necessarily unintellectual, groveling, and base; and that the laborer, equally for his own good and for the welfare of the state, ought to be enslaved. The white laboring man, whether native or foreigner, is not enslaved, only because he can not, as yet, be reduced to bondage.

You need not be told now that the slave system is the older of the two, and that once it was universal.

The emancipation of our own ancestors, Caucasians and Europeans as they were, hardly dates beyond a period of five hundred years. The great melioration of human society which modern times exhibit, is mainly due to the incomplete substitution of the system of voluntary labor for the old one of servile labor, which has already taken place. This African slave system is one which, in its origin and in its growth, has been altogether foreign from the habits of the races which colonized these States, and established civilization here. It was introduced on this new continent as an engine of conquest, and for the establishment of monarchical power, by the Portuguese and the Spaniards, and was rapidly extended by them all over South America, Central America, Louisiana, and Mexico. Its legitimate fruits are seen in the poverty, imbecility, and anarchy, which now pervade all Portuguese and Spanish America. The free-labor system is of German extraction, and it was established in our country by emigrants from Sweden, Holland, Germany, Great Britain, and Ireland.

We justly ascribe to its influences the strength, wealth, greatness, intelligence, and freedom, which the whole American people now enjoy. One of the chief elements of the value of human life is freedom in the pursuit of happiness. The slave system is not only intolerable, unjust, and inhuman towards the laborer, whom, only because he is a laborer, it loads down with chains and converts into merchandise,

but is scarcely less severe upon the freeman, to whom, only because he is a laborer from necessity, it denies facilities for employment, and whom it expels from the community because it can not enslave and convert him into merchandise also. It is necessarily improvident and ruinous, because, as a general truth, communities prosper and flourish or droop and decline in just the degree that they practice or neglect to practice the primary duties of justice and humanity. The free-labor system conforms to the divine law of equality, which is written in the hearts and consciences of man, and therefore is always and everywhere beneficent.

The slave system is one of constant danger, distrust, suspicion, and watchfulness. It debases those whose toil alone can produce wealth and resources for defense, to the lowest degree of which human nature is capable, to guard against mutiny and insurrection, and thus wastes energies which otherwise might be employed in national development and aggrandizement.

The free labor system educates all alike, and by opening all the fields of industrial employment, and all the departments of authority, to the unchecked and equal rivalry of all classes of men, at once secures universal contentment, and brings into the highest possible activity all the physical, moral and social energies of the whole state. In states where the slave system prevails, the masters, directly or indirectly, secure all political power, and constitute a ruling aristocracy. In states where the free-labor system prevails, universal suffrage necessarily obtains, and the state inevitably becomes, sooner or later, a republic or a democracy.

Russia yet maintains slavery, and is a despotism. Most of the other European states have abolished slavery, and adopted the system of free labor. It was the antagonistic political tendencies of the two systems which the first Napoleon was contemplating when he predicted that Europe would ultimately be either all Cossack or all republican. Never did human sagacity utter a more pregnant truth.

The two systems are at once perceived to be incongruous. But they are more than incongruous—they are incompatible. They never have permanently existed together in one country, and they never can. It would be easy to demonstrate this impossibility, from the irreconcilable contrast between their great principles and characteristics. But the experience of mankind has conclusively established it. Slavery, as I have already intimated, existed in every state in Europe. Free labor has supplanted it everywhere except in Russia and Turkey. State necessities developed in modern times are now obliging even those two nations to encourage and employ free labor, and already, despotic as they are, we find them engaged in abolishing slavery. In the United States, slavery came into collision with free labor at the close of the last century, and fell before it in New England, New York, New Jersey and Pennsylvania, but triumphed over it effectually, and excluded it for a period yet undetermined, from Virginia, the Carolinas and Georgia. Indeed, so incompatible are the two systems, that every new State which is organized within our ever extending domain makes its first political act a choice of the one and the exclusion of the other, even at the cost of civil war, if necessary. The slave States, without law, at the last national election, successfully forbade, within their own limits, even the casting of votes for a candidate for President of the United States supposed to be favorable to the establishment of the free-labor system in new States.

Hitherto, the two systems have existed in different States, but side by side within the American Union. This has happened because the Union is a confederation of States. But in another aspect the United States constitute only one nation. Increase of population, which is filling the States out to their very borders, together with a new and extended network of railroads and other avenues, and internal commerce, which daily becomes more intimate, is rapidly bringing the States into a higher and more perfect social unity or con-

solidation. Thus, these antagonistic systems are continually coming into closer contact, and collision results.

Shall I tell you what this collision means? They who think that it is accidental, unnecessary, the work of interested or fanatical agitators, and therefore ephemeral, mistake the case altogether. It is an irrepressible conflict between opposing and enduring forces, and it means that the United States must and will, sooner or later, become either entirely a slaveholding nation, or entirely a free-labor nation. Either the cotton and rice-fields of South Carolina and the sugar plantations of Louisiana will ultimately be tilled by free labor, and Charleston and New Orleans become marts for legitimate merchandise alone, or else the rye-fields and wheat fields of Massachusetts and New York must again be surrendered by their farmers to slave culture and to the production of slaves, and Boston and New York become once more markets for trade in the bodies and souls of men. It is the failure to apprehend this great truth that induces so many unsuccessful attempts at final compromise between the slave and free States, and it is the existence of this great fact that renders all such pretended compromises, when made, vain and ephemeral. Startling as this saying may appear to you, fellow citizens, it is by no means an original or even a modern one. Our forefathers knew it to be true, and unanimously acted upon it when they framed the Constitution of the United States. They regarded the existence of the servile system in so many of the States with sorrow and shame, which they openly confessed, and they looked upon the collision between them, which was then just revealing itself, and which we are now accustomed to deplore, with favor and hope. They knew that either the one or the other system must exclusively prevail.

Unlike too many of those who in modern time invoke their authority, they had a choice between the two. They preferred the system of free labor, and they determined to organize the government, and so to direct its activity, that

that system should surely and certainly prevail. For this purpose, and no other, they based the whole structure of government broadly on the principle that all men are created equal, and therefore free—little dreaming that, within the short period of one hundred years, their descendants would bear to be told by any orator, however popular, that the utterance of that principle was merely a rhetorical rhapsody; or by any judge, however venerated, that it was attended by mental reservations, which rendered it hypocritical and false. By the Ordinance of 1787, they dedicated all of the national domain not yet polluted by slavery to free labor immediately, thenceforth and forever; while by the new Constitution and laws they invited foreign free labor from all lands under the sun, and interdicted the importation of African slave labor, at all times, in all places, and under all circumstances whatsoever. It is true that they necessarily and wisely modified this policy of freedom, by leaving it to the several States, affected as they were by differing circumstances, to abolish slavery in their own way and at their own pleasure, instead of confiding that duty to Congress; and that they secured to the slave States, while yet retaining the system of slavery, a three-fifths representation of slaves in the Federal government, until they should find themselves able to relinquish it with safety. But the very nature of these modifications fortifies my position that the fathers knew that the two systems could not endure within the Union, and expected that within a short period slavery would disappear forever. Moreover, in order that these modifications might not altogether defeat their grand design of a republic maintaining universal equality, they provided that two-thirds of the States might amend the Constitution.

It remains to say on this point only one word, to guard against misapprehension. If these States are to again become universally slaveholding, I do not pretend to say with what violations of the Constitution that end shall be accomplished. On the other hand, while I do confidently believe

and hope that my country will yet become a land of universal freedom, I do not expect that it will be made so otherwise than through the action of the several States cooperating with the Federal government, and all acting in strict uniformity with their respective constitutions.

The strife and contentions concerning slavery, which gently-disposed persons so habitually deprecate, are nothing more than the ripening of the conflict which the fathers themselves not only thus regarded with favor, but which they may be said to have instituted.

It is not to be denied, however, that thus far the course of that contest has not been according to their humane anticipations and wishes. In the field of Federal politics, slavery, deriving unlooked-for advantages from commercial changes, and energies unforeseen from the facilities of combination between members of the slaveholding class and between that class and other property classes, early rallied, and has at length made a stand, not merely to retain its original defensive position, but to extend its sway throughout the whole Union. It is certain that the slaveholding class of American citizens indulge this high ambition, and that they derive encouragement for it from the rapid and effective political successes which they have already obtained. The plan of operation is this: By continued appliances of patronage and threats of disunion, they will keep a majority favorable to these designs in the Senate, where each State has an equal representation. Through that majority they will defeat, as they best can, the admission of free States and secure the admission of slave States. Under the protection of the judiciary, they will, on the principle of the Dred Scott case, carry slavery into all the Territories of the United States now existing and hereafter to be organized. By the action of the President and the Senate, using the treaty-making power, they will annex foreign slaveholding States. In a favorable conjuncture they will induce Congress to repeal the act of 1808, which prohibits the foreign slave trade, and so they will import from Africa,

at the cost of only twenty dollars a head, slaves enough to fill up the interior of the continent. Thus relatively increasing the number of slave States, they will allow no amendment to the Constitution prejudicial to their interest; and so, having permanently established their power, they expect the Federal judiciary to nullify all State laws which shall interfere with internal or foreign commerce in slaves. When the free States shall be sufficiently demoralized to tolerate these designs, they reasonably conclude that slavery will be accepted by those States themselves. I shall not stop to show how speedy or how complete would be the ruin which the accomplishment of these slaveholding schemes would bring upon the country. For one, I should not remain in the country to test the sad experiment. Having spent my manhood, though not my whole life, in a free State, no aristocracy of any kind, much less an aristocracy of slaveholders, shall ever make the laws of the land in which I shall be content to live. Having seen the society around me universally engaged in agriculture, manufactures and trade, which were innocent and beneficent, I shall never be a denizen of a State where men and women are reared as cattle, and bought and sold as merchandise. When that evil day shall come, and all further effort at resistance shall be impossible, then, if there shall be no better hope for redemption than I can now foresee, I shall say with Franklin, while looking abroad over the whole earth for a new and more congenial home, "Where liberty dwells, there is my country."

You will tell me that these fears are extravagant and chimerical. I answer, they are so; but they are so only because the designs of the slaveholders must be and can be defeated. But it is only the possibility of defeat that renders them so. They can not be defeated by inactivity. There is no escape from them, compatible with non-resistance. How, then, and in what way, shall the necessary resistance he made? There is only one way. The Democratic party must be permanently dislodged from the Government.

The reason is, that the Democratic party is inextricably committed to the designs of the slaveholders, which I have described. Let me be well understood. I do not charge that the Democratic candidates for public office now before the people are pledged to—much less that the Democratic masses who support them really adopt—those atrocious and dangerous designs. Candidates may, and generally do, mean to act justly, wisely and patriotically, when they shall be elected; but they become the ministers and servants, not the dictators, of the power which elects them. The policy which a party shall pursue at a future period is only gradually developed, depending on the occurrence of events never fully foreknown. The motives of men, whether acting as electors or in any other capacity, are generally pure. Nevertheless, it is not more true that "hell is paved with good intentions," than it is that earth is covered with wrecks resulting from innocent and amiable motives.

The very constitution of the Democratic party commits it to execute all the designs of the slaveholders, whatever they may be. It is not a party of the whole Union, of all the free States and of all the slave States; nor yet is it a party of the free States in the North and in the Northwest; but it is a sectional and local party, having practically its seat within the slave States, and counting its constituency chiefly and almost exclusively there. Of all its representatives in Congress and in the electoral college, two-thirds uniformly come from these States. Its great element of strength lies in the vote of the slaveholders, augmented by the representation of three-fifths of the slaves. Deprive the Democratic party of this strength, and it would be a helpless and hopeless minority, incapable of continued organization. The Democratic party, being thus local and sectional, acquires new strength from the admission of every new slave State into the Union.

A party is in one sense a joint stock association, in which those who contribute most direct the action and management of the concern. The slaveholders contributing in an over-

whelming proportion to the capital strength of the Democratic party, they necessarily dictate and prescribe its policy. The inevitable caucus system enables them to do so with a show of fairness and justice. If it were possible to conceive for a moment that the Democratic party should disobey the behests of the slaveholders, we should then see a withdrawal of the slaveholders, which would leave the party to perish. The portion of the party which is found in the free States is a mere appendage, convenient to modify its sectional character, without impairing its sectional constitution, and is less effective in regulating its movement than the nebulous tail of the comet is in determining the appointed though apparently eccentric course of the fiery sphere from which it emanates.

To expect the Democratic party to resist slavery and favor freedom, is as unreasonable as to look for Protestant missionaries to the Catholic propaganda of Rome. The history of the Democratic party commits it to the policy of slavery. It has been the Democratic party, and no other agency, which has carried that policy up to its present alarming culmination. Without stopping to ascertain, critically, the origin of the present Democratic party, we may concede its claim to date from the era of good feeling which occurred under the administration of President Monroe. At that time, in this State, and about that time in many others of the free States, the Democratic party deliberately disfranchised the free colored African citizen, and it has pertinaciously continued this disfranchisement ever since. This was an effective aid to slavery; for, while the slaveholder votes for his slaves against freedom, the freed slave in the free States is prohibited from voting against slavery.

Such is the Democratic party. It has no policy, State or Federal, for finance, or trade, or manufacture, or commerce, or education, or internal improvements, or for the protection or even the security of civil or religious liberty. It is positive and uncompromising in the interest of slavery—negative, compromising, and vacillating, in regard to every-

thing else. It boasts its love of equality, and wastes its strength, and even its life, in fortifying the only aristocracy known in the land. It professes fraternity, and, so often as slavery requires, allies itself with proscription. It magnifies itself for conquests in foreign lands, but it sends the national eagle forth always with claims, and not the olive branch, in its fangs.

This dark record shows you, fellow citizens, what I was unwilling to announce at an earlier stage of this argument, that of the whole nefarious schedule of slaveholding designs which I have submitted to you, the Democratic party has left only one yet to be consummated—the abrogation of the law which forbids the African slave trade.

Now, I know very well that the Democratic party has, at every stage of these proceedings, disavowed the motive and the policy of fortifying and extending slavery, and has excused them on entirely different and more plausible grounds. But the inconsistency and frivolity of these pleas prove still more conclusively the guilt I charge upon that party. It must, indeed, try to excuse such guilt before mankind, and even to the consciences of its own adherents. There is an instinctive abhorrence of slavery, and an inborn and inhering love of freedom in the human heart, which render palliation of such gross misconduct indispensable. It disfranchised the free African on the ground of a fear that, if left to enjoy the right of suffrage, he might seduce the free white citizens into amalgamation with his wronged and despised race. The Democratic party condemned and deposed John Quincy Adams, because he expended twelve millions a year, while it justified his favored successor in spending seventy, eighty and even one hundred millions, a year. It denies emancipation in the District of Columbia, even with compensation to masters and the consent of the people, on the ground of an implied constitutional inhibition, although the Constitution expressly confers upon Congress sovereign legislative power in that district, and although the Democratic party is tenacious of the principle

of strict construction. It violated the express provisions of the Constitution in suppressing petition and debate on the subject of slavery, through fear of disturbance of the public harmony; although it claims that the electors have a right to instruct their representatives, and even demand their resignation in cases of contumacy. It extended slavery over Texas, and connived at the attempt to spread it across the Mexican territories, even to the shores of the Pacific Ocean, under a plea of enlarging the area of freedom. It abrogated the Mexican slave law and the Missouri Compromise prohibition of slavery in Kansas, not to open the new Territories to slavery, but to try therein the new and fascinating theories of non-intervention and popular sovereignty; and, finally, it overthrew both these new elegant systems by the English-Lecompton bill and the Dred Scott decision, on the ground that the free States ought not to enter the union without a population equal to the representative basis of one member of Congress, although slave States might come in without inspection as to their numbers.

Will any member of the Democratic party now here claim that the authorities chosen by the suffrages of the party transcended their partisan platforms, and so misrepresented the party in the various transactions I have recited? Then I ask him to name one Democratic statesman or legislator, from Van Buren to Walker, who, either timidly or cautiously like them, or boldly and defiantly like Douglas, ever refused to execute a behest of the slaveholders and was not therefor, and for no other cause, immediately denounced, and deposed from his trust, and repudiated by the Democratic party for that contumacy.

I think, fellow citizens, that I have shown you that it is high time for the friends of freedom to rush to the rescue of the Constitution, and that their very first duty is to dismiss the Democratic party from the administration of the government.

Why shall it not be done? All agree that it ought to be done. What, then, shall prevent its being done? Nothing

but timidity or division of the opponents of the Democratic party.

Some of these opponents start one objection, and some another. Let us notice these objections briefly. One class say that they can not trust the Republican party; that it has not avowed its hostility to slavery boldly enough, or its affection for freedom earnestly enough.

I ask in reply, Is there any other party which can be more safely trusted? Every one knows that it is the Republican party, or none, that shall displace the Democratic party. But I answer, further, that the character and fidelity of any party are determined, necessarily, not by its pledges, programmes, and platforms, but by the public exigencies, and the temper of the people when they call it into activity. Subserviency to slavery is a law written not only on the forehead of the Democratic party, but also in its very soul, —so resistance to slavery, and devotion to freedom, the popular elements now actively working for the Republican party among the people, must and will be resources for its ever-renewing strength and constant invigoration.

Others can not support the Republican party, because it has not sufficiently exposed its platform, and determined what it will do, and what it will not do, when triumphant. It may prove too progressive for some, and too conservative for others. As if any party ever foresaw so clearly the course of future events as to plan a universal scheme of future action, adapted to all possible emergencies. Who would ever have joined even the Whig party of the Revolution, if it had been obliged to answer, in 1775, whether it would declare for independence in 1776, and for this noble Federal Constitution of ours in 1787, and not a year earlier or later? The people will be as wise next year, and even ten years hence, as we are now. They will oblige the Republican party to act as the public welfare and the interests of justice and humanity shall require, through all the stages of its career, whether of trial or triumph.

Others will not venture an effort, because they fear that

the Union would not endure the change. Will such objectors tell me how long a constitution can bear a strain directly along the fibers of which it is composed? This is a Constitution of freedom. It is being converted into a Constitution of slavery. It is a republican Constitution. It is being made an aristocratic one. Others wish to wait until some collateral questions concerning temperance, or the exercise of the elective franchise, are properly settled. Let me ask all such persons, whether time enough has not been wasted on these points already, without gaining any other than this single advantage, namely, the discovery that only one thing can be effectually done at one time, and that the one thing which must and will be done at any one time is just that thing which is most urgent, and will no longer admit of postponement or delay? Finally, we are told by faint-hearted men that they despond; the Democratic party, they say, is unconquerable, and the dominion of slavery is consequently inevitable. I reply that the complete and universal dominion of slavery would be intolerable enough, when it should have come, after the last possible effort to escape should have been made. There would then be left to us the consoling reflection of fidelity to duty.

But I reply further, that I know—few, I think, know better than I—the resources and energies of the Democratic party, which is identical with the slave power. I do ample prestige to its traditional popularity. I know, further—few, I think, know better than I—the difficulties and disadvantages of organizing a new political force, like the Republican party, and the obstacles it must encounter in laboring without prestige and without patronage. But, understanding all this, I know that the Democratic party must go down, and that the Republican party must rise into its place. The Democratic party derived its strength, originally, from its adoption of the principles of equal and exact justice to all men. So long as it practiced this principle faithfully, it was invulnerable. It became vulnerable when it renounced the principle, and since that time it has main-

tained itself, not by virtue of its own strength, or even of its traditional merits, but because there as yet had appeared in the political field no other party that had the conscience and the courage to take up, and avow, and practice the life-inspiring principle which the Democratic party had surrendered. At last, the Republican party has appeared. It avows, now, as the Republican party of 1800 did, in one word, its faith and its works, "Equal and exact justice to all men." Even when it first entered the field, only half organized, it struck a blow which only just failed to secure complete and triumphant victory. In this, its second campaign, it has already won advantages which render that triumph now both easy and certain.

The secret of its assured success lies in that very characteristic which, in the mouth of scoffers, constitutes its great and lasting imbecility and reproach. It lies in the fact that it is a party of one idea; but that idea is a noble one,—an idea that fills and expands all generous souls; the idea of equality,—the equality of all men before human tribunals and human laws, as they all are equal before the Divine tribunal and Divine laws.

I know, and you know, that a revolution has begun. I know, and all the world knows, that revolutions never go backward. Twenty Senators and a hundred Representatives proclaim boldly in Congress to-day sentiments and opinions and principles of freedom which hardly so many men, even in this free State, dared to utter in their own homes twenty years ago. While the government of the United States, under the conduct of the Democratic party, has been all that time surrendering one plain and castle after another to slavery, the people of the United States have been no less steadily and perseveringly gathering together the forces with which to recover back again all the fields and all the castles which have been lost, and to confound and overthrow, by one decisive blow, the betrayers of the Constitution and freedom forever.

V

Civil War and Reconstruction

Into the multitude of speeches dealing with military matters and the conduct of the war it does not seem expedient, in this book, to enter. One exception to this rule, perhaps, may be noted—the inclusion of Lincoln's Gettysburg address: but this speech, though ostensibly a dedication of a military cemetery for those who fell in the most critical battle of the war, is so transformed by Lincoln's elevation of thought and noble simplicity of language as to become a pæan of patriotism, and an exposition of the ideals which animated the North in its struggle for national existence.

The first of the speeches in the order of time, and also the logical opening of this subdivision, is that of Jefferson Davis, the future President of the Confederacy, on taking leave of the Senate (January 21, 1861). Here are briefly set forth the doctrines of Secession—doctrines which, more fully uttered, were the theme of countless earlier speeches of Davis and his Southern colleagues. In Lincoln's First Inaugural (March 4, 1861) we find the answer which that "patient, far-seeing" master of men—"dreading praise, not blame"—gave to the accomplished fact of Secession.

The speech of Alexander H. Stephens on the Confederate Constitution—the so-called "corner-stone speech"—(March 21, 1861), shows the frank acceptance by the South of slavery as the moral and economic basis of the new Confederacy. The speech is also interesting for its

explanation of the innovations on the Federal Constitution, —many of them admirable,—which the South made to remedy defects in the repudiated Constitution, revealed by three-quarters of a century of experience.

Following this comes the able, persuasive speech of Henry Ward Beecher at Liverpool, October 16, 1863. The outspoken hostility with which certain classes in Great Britain regarded the North is revealed in the constant interruptions to which the speaker was exposed; while the speech itself shows Mr. Beecher's efforts to strengthen the hands of the friends of the United States in hindering any outside interference in our domestic quarrel.

Lincoln's Second Inaugural (March 4, 1865), which is next given, is valuable not only for its literary excellence, but because it shows the temper in which, as the war approached its end, Lincoln looked forward to the yet larger and more trying problems of reconstruction. Its closing words, "With malice towards none, with charity for all, with firmness in the right as God gives us to see the right," etc., have become an imperishable treasure of English speech, ranking with cherished quotations from the Bible and Shakespeare.

"In none of the rebel States," says Professor Dunning, in his recent volume entitled *Reconstruction, Political and Economic* (p. 10), "did the war leave either an economic organization that could carry on the ordinary operations of production, or a political organization that could hold society together." To the various aspects of the indispensable Reconstruction of the revolted States six selections are here devoted.

We first openly approach the political aspects of the question in President Johnson's initial message to Congress (December 4, 1865)—now known to be the product of George Bancroft's pen—in which are embodied something

of the moderation and wisdom of Lincoln's policy. This "presidential plan," however, met with speedy rejection at the hands of Congress; for its members were impassioned by the hatreds of the war, filled with impractical philanthropy for the negro, angered by Johnson's tactlessness and boorishness, jealous of their own authority, and ruled by leaders who thought as much of partisan control and the continued triumph of their economic and financial policies as of the restoration of real peace and union.

As illustrative of the policy of the radical reconstructionists, there is next given a speech delivered January 3, 1867, by Thaddeus Stevens of Pennsylvania, who at this time was the unquestioned leader of the Republican party in the House of Representatives.

Out of the dispute between Congress and the President came the impeachment of Johnson "of high crimes and misdemeanors," and his trial in 1868 before the Senate, sitting as a court of impeachment. This most interesting episode is illustrated by the speech delivered in defense of the President by ex-Justice of the Supreme Court Benjamin R. Curtis; this is not only an excellent summary of the whole case, but as a piece of logical analysis and forensic argument is scarcely to be matched in American oratory.

In the next selection, the masterly plea of Senator Carl Schurz for a general amnesty after the war (January 30, 1872), the reasons for a generous policy toward the conquered are set forth with a breadth of knowledge and clearness of grasp and statement which carried conviction to all minds except those closed by interest and passion.

The last two selections—Henry W. Grady's oration on "The New South" (1886), and Booker T. Washington's address at the Atlanta Exposition on "The Race Problem" (1895)—belong to a time subsequent to what is usually considered the close of the Reconstruction period. They are in-

cluded here, however, for what seems sufficient reason. The first presents a picture of the economic reconstruction of the South, and breathes forth a spirit of reconciliation which marks the passing of the rancors of the war. And the second constitutes the most notable statement of the new solution of that race problem which was left by the war—the material and moral regeneration of the negro race through industrial education and the inculcation of ideas of thrift and right living.

For the further study of this period the best single work is Rhodes's *History of the United States from the Compromise of 1850,* Vols. V-VII. Other excellent works are Dunning's *Civil War and Reconstruction;* Dunning's *Reconstruction, Political and Economic;* Wilson's *Division and Reunion;* Wilson's *History of the American People,* Vol. V; Johnston-Woodburn's *American Political History,* Vol. II; Burgess's *Reconstruction and the Constitution;* Blaine's *Twenty Years of Congress;* Cox's *Three Decades of Federal Legislation;* Morse's *Abraham Lincoln;* Nicolay and Hay's *Abraham Lincoln: A History;* McCall's *Thaddeus Stevens.*

23. JEFFERSON DAVIS, of Mississippi.—ON WITHDRAWING FROM THE UNION

(Farewell address to the Senate, January 21, 1861.)

The election of Lincoln in 1860 put an end to a period of thirty-two years in which the Slave Power controlled the Presidency, the Senate, the House of Representatives (except for two Congresses), and practically the Supreme Court. For some time, however, that control had been loosening: the House elected for 1859-61 was Republican by a small majority; and although the Senate was still strongly pro-slavery, the fact that since the admission of Minnesota (1858) and Oregon (1859) the free States numbered 18 as against 15 slaveholding States, threatened Southern domination in that branch also. In these circumstances the election to the Presidency of a "Black Republican" was taken as a sign of the final passing of power to the free States, and was answered by Secession.

The very day after the election, South Carolina took steps for a convention, which on December 20, 1860, unanimously voted to withdraw the State from the Union. During the month of January, 1861, six other States passed Secession ordinances, by votes ranging from 166 to 7 in Texas, to 165 to 130 in Alabama. The other four States

Jefferson Davis. Born in Kentucky, 1808, but removed while an infant to Mississippi; graduated from West Point Military Academy and entered the army, 1828; resigned from the army, 1835; in Congress, 1845-46; served as Brigadier-General in the Mexican War; in the Senate, 1847-50, 1857-61; Secretary of War under President Pierce, 1853-57; President of the Confederacy, 1861-65; arrested for treason and confined in Fortress Monroe for two years, but never tried; published "Rise and Fall of the Confederate Government," 1881; died, 1889.

which seceded did not act until after the attack on Fort Sumter, and President Lincoln's call for troops, in April, 1861.

As each State seceded, its Senators and Representatives formally withdrew from Congress, the Representatives usually without speeches of farewell, the Senators with valedictories in many cases of great power and effectiveness. Of these speeches, the most important perhaps is that delivered January 21, 1861, by Jefferson Davis of Mississippi, the ablest Senator from the South, and one of the triumvirate (with Toombs and Hunter) who chiefly directed Southern policy. His speech was delivered after a sleepless night caused by physical and mental distress. The setting of the scene is described as follows by the wife of Senator Clement C. Clay of Alabama (whose valedictory was pronounced the same day) in her book of reminiscences entitled *A Belle of the Fifties:*

"The galleries of the Senate, which held, it is estimated, a thousand people, were packed, principally with women, who, trembling with excitement, awaited the announcements of the day, as one by one Senators David Yulee, Stephen K. Mallory, Clement C. Clay, Benjamin Fitzpatrick, and Jefferson Davis arose. . . . As each Senator, speaking for his State, concluded his solemn renunciation of allegiance to the United States, women grew hysterical and waved their handkerchiefs, encouraging them with cries of sympathy and admiration. Men wept and embraced each other mournfully. . . . Scarcely a member of that senatorial body but was pale with the terrible significance of the hour. There was everywhere a feeling of suspense, as if visibly the pillars of the temple were being withdrawn and the great governmental structure was tottering; nor was there a patriot on either side who did not deplore and whiten before the evil that brooded so low over the nation."

[Jefferson Davis, in the U. S. Senate, January 21, 1861.]

I RISE, Mr. President, for the purpose of announcing to the Senate that I have satisfactory evidence that the State of Mississippi, by a solemn ordinance of her people in convention assembled, has declared her separation from the United States. Under these circumstances, of course, my functions are terminated here. It has seemed to me proper, however, that I should appear in the Senate to announce that fact to my associates, and I will say but very little more. The occasion does not invite me to go into argument; and my physical condition would not permit me to do so if it were otherwise: and yet it seems to become me to say something on the part of the State I represent, on an occasion so solemn as this.

It is known to Senators who have served with me here that I have for many years advocated, as an essential attribute of State sovereignty, the right of a State to secede from the Union. Therefore, if I had not believed there was justifiable cause,—if I had thought that Mississippi was acting without sufficient provocation, or without an existing necessity,—I should still, under my theory of the government, because of my allegiance to the State of which I am a citizen, have been bound by her action. I, however, may be permitted to say that I do think she has justifiable cause, and I approve of her act. I conferred with her people before that act was taken,—counseled them then that if the state of things which they apprehended should exist when the convention met, they should take the action which they have now adopted.

I hope none who hear me will confound this expression of mine with the advocacy of the right of a State to remain in the Union, and to disregard its constitutional obligations by the nullification of the law. Such is not my theory. Nullification and secession, so often confounded, are indeed antagonistic principles. Nullification is a remedy which it is sought to apply within the Union, and against the agent of the States. It is only to be justified when

the agent has violated his constitutional obligation, and a State, assuming to judge for itself, denies the right of the agent thus to act, and appeals to the other States of the Union for a decision; but when the States themselves, and when the people of the States have so acted as to convince us that they will not regard our constitutional rights, then, and then for the first time, arises the doctrine of secession in its practical application.

A great man who now reposes with his fathers, and who has been often arraigned for a want of fealty to the Union, advocated the doctrine of nullification, because it preserved the Union. It was because of his deep-seated attachment to the Union, his determination to find some remedy for existing ills short of a severance of the ties which bound South Carolina to the other States, that Mr. Calhoun advocated the doctrine of nullification, which he proclaimed to be peaceful, to be within the limits of State power, not to disturb the Union, but only to be a means of bringing the agent before the tribunal of the States for their judgment.

Secession belongs to a different class of remedies. It is to be justified upon the basis that the States are sovereign. There was a time when none denied it. I hope the time may come again, when a better comprehension of the theory of our government, and the inalienable rights of the people of the States, will prevent any one from denying that each State is a sovereign, and thus may reclaim the grants which it has made to any agent whomsoever.

I therefore say I concur in the action of the people of Mississippi, believing it to be necessary and proper, and should have been bound by their action if my belief had been otherwise; and this brings me to the important point which I wish on this last occasion to present to the Senate. It is by this confounding of nullification and secession that the name of a great man, whose ashes now mingle with his mother earth, has been invoked to justify coercion against a seceded State. The phrase "to execute the laws" was an

expression which General Jackson applied to the case of a State [South Carolina, in 1832] refusing to obey the laws while yet a member of the Union. This is not the case which is now presented. The laws are to be executed over the United States, and upon the people of the United States. They have no relation to any foreign country. It is perversion of terms, at least it is a great misapprehension of the case, which cites that expression for application to a State which has withdrawn from the Union. You may make war on a foreign State. If it be the purpose of gentlemen, they may make war against a State which has withdrawn from the Union; but there are no laws of the United States to be executed within the limits of a seceded State. A State finding herself in the condition in which Mississippi has judged she is, in which her safety requires that she should provide for the maintenance of her rights out of the Union, surrenders all the benefits (and they are known to be many), deprives herself of the advantages (they are known to be great), severs all the ties of affection (and they are close and enduring), which have bound her to the Union; and thus divesting herself of every benefit, taking upon herself every burden, she claims to be exempt from any power to execute the laws of the United States within her limits.

I well remember an occasion when Massachusetts was arraigned before the bar of the Senate, and when the doctrine of coercion was rife and to be applied against her because of the rescue of a fugitive slave [Shadrach in 1851] in Boston. My opinion then was the same that it is now. Not in a spirit of egotism, but to show that I am not influenced in my opinion because the case is my own, I refer to that time and that occasion as containing the opinion which I then entertained, and on which my present conduct is based. I then said, "If Massachusetts (following her through a stated line of conduct) chooses to take the last step which separates her from the Union, it is her right to go; and I will neither vote one dollar nor one man to coerce her back, but will say to her, God speed, in memory of the

kind associations which once existed between her and the other States."

It has been a conviction of pressing necessity,—it has been a belief that we are to be deprived in the Union of the rights which our fathers bequeathed to us,—which has brought Mississippi into her present decision. She has heard proclaimed the theory that all men are created free and equal, and this made the basis of an attack upon her social institutions. The sacred Declaration of Independence is to be construed by the circumstances and purposes for which it was made. The communities were declaring their independence; the people of those communities were asserting that no man was born—to use the language of Mr. Jefferson—booted and spurred to ride over the rest of mankind; that men were created equal—meaning the men of the political community; that there was no divine right to rule; that no man inherited the right to govern; that there were no classes by which power and place descended to families, but that all stations were equally within the grasp of each member of the body-politic. These were the great principles they announced; these were the purposes for which they made their Declaration; these were the ends to which their enunciation was directed. They have no reference to the slave; else, how happened it that among the items of arraignment made against George III. was that he endeavored to do just what the North has been endeavoring of late to do—to stir up insurrection among our slaves? Had the Declaration announced that the negroes were free and equal, how was the prince to be arraigned for stirring up insurrection among them? And how was this to be enumerated among the high crimes which caused the Colonies to sever their connection with the mother country? When our Constitution was formed, the same idea was rendered more palpable; for there we find provision made for that very class of persons as property: they were not put upon the footing of equality with white men,—not even upon that of paupers and convicts; but, so far as representation was

concerned, were discriminated against as a lower caste, only to be represented in the numerical proportion of three-fifths.

Then, Senators, we recur to the compact which binds us together; we recur to the principles upon which our government was founded: and when you deny them, and when you deny to us the right to withdraw from a government which thus perverted threatens to be destructive of our rights, we but tread in the path of our fathers when we proclaim our independence, and take the hazard. This is done not in hostility to others, not to injure any section of the country, not even for our own pecuniary benefit; but from the high and solemn motive of defending and protecting the rights we inherited, and which it is our sacred duty to transmit unshorn to our children.

I find in myself, perhaps, a type of the general feeling of my constituents towards yours. I am sure I feel no hostility to you, Senators from the North. I am sure there is not one of you, whatever sharp discussion there may have been between us, to whom I can not now say, in the presence of my God, I wish you well; and such, I am sure, is the feeling of the people whom I represent towards those whom you represent. I therefore feel that I but express their desire when I say I hope, and they hope, for peaceful relations with you, though we must part. They may be mutually beneficial to us in the future, as they have been in the past, if you so will it. The reverse may bring disaster on every portion of the country: and if you will have it thus, we will invoke the God of our fathers, who delivered them from the power of the lion, to protect us from the ravages of the bear; and thus, putting our trust in God, and in our own firm hearts and strong arms, we will vindicate the right as best we may.

In the course of my service here, associated at different times with a great variety of Senators,—I see now around me some with whom I have served long,—there have been points of collision; but whatever of offense there has been to me, I leave here; I carry with me no hostile remembrance.

Whatever offense I have given which has not been redressed, or for which satisfaction has not been demanded, I have, Senators, in this hour of parting, to offer you my apology for any pain which, in heat of discussion, I have inflicted. I go hence unencumbered of the remembrance of any injury received, and having discharged the duty of making the only reparation in my power for any injury offered.

Mr. President, and Senators, having made the announcement which the occasion seemed to me to require, it only remains for me to bid you a final adieu.

24. ABRAHAM LINCOLN, of Illinois.—FIRST INAUGURAL ADDRESS

(Delivered at Washington, March 4, 1861.)

For four months between his election and inauguration Lincoln was condemned by the folly of our governmental system to inaction, while President Buchanan, "shaken in body and uncertain in mind," permitted the Southerners freely to perfect their civil and military organizations at the expense of the Federal government. The position taken by Buchanan, in his annual message to Congress (December 3, 1860), was neatly summed up by Senator Seward as amounting to this: "That no State has a right to secede unless it wishes to; and that it is the President's duty to enforce the laws unless somebody opposes him." Various unsuccessful projects of compromise were mooted, the chief of which, put forth by Senator Crittenden of Kentucky, offered to the South a division of the Territories between slavery and freedom, and a repeal of the "personal liberty laws" of the Northern States by which the purpose of the Fugitive Slave Act was defeated. Lincoln's influence with the Republican members of Congress foiled this project. North and South alike then awaited with anxious attention the announcement in his inaugural address of Lincoln's own prescription for the impending crisis.

This address was prepared at Springfield before Lincoln started eastward in February. According to his friend and biographer Herndon, Lincoln "locked himself up in a room upstairs over a store across the street from the [Illinois]

State House;" and amid these dingy surroundings, with the Constitution, Henry Clay's speech of 1850, Jackson's proclamation against nullification, and Webster's reply to Hayne at his elbow for reference, he prepared what is now recognized to be an immortal state-paper. Many suggestions concerning the inaugural were made by Seward, whom Lincoln had already selected for his Secretary of State, and some of those were adopted. Northerners who had expected rhetorical embellishments and exaggerated outbursts of patriotism were disappointed; but in the Confederate States Lincoln's inaugural was rightly construed to mean war.

Lincoln's voice had great carrying power, and the address was heard with ease by the vast crowd assembled before the east front of the Capitol. "At its close the venerable Chief Justice Taney administered the oath of office, thereby informally but effectually reversing the most famous opinion [in the Dred Scott case] delivered by him during his long incumbency in his high office." (Morse, *Abraham Lincoln*, I, p. 220.)

[Abraham Lincoln, at Washington, March 4, 1861.]

FELLOW Citizens of the United States: In compliance with a custom as old as the government itself, I appear before you to address you briefly, and to take, in your presence, the oath prescribed by the Constitution of the United States to be taken by the President before he enters on the execution of his office.

I do not consider it necessary, at present, for me to discuss those matters of administration about which there is no special anxiety or excitement. Apprehension seems to exist among the people of the Southern States that, by the accession of a Republican administration, their property and their peace and personal security are to be endangered. There has never been any reasonable cause for such appre-

hension. Indeed, the most ample evidence to the contrary has all the while existed and been open to their inspection. It is found in nearly all the published speeches of him who now addresses you. I do but quote from one of those speeches, when I declare that "I have no purpose, directly or indirectly, to interfere with the institution of slavery in the States where it exists." I believe I have no lawful right to do so; and I have no inclination to do so. Those who nominated and elected me did so with the full knowledge that I had made this, and made many similar declarations, and have never recanted them. And, more than this, they placed in the platform, for my acceptance, and as a law to themselves and to me, the clear and emphatic resolution which I now read:

"*Resolved,* That the maintenance inviolate of the rights of the States, and especially the right of each State to order and control its own domestic institutions according to its own judgment exclusively, is essential to that balance of power on which the perfection and endurance of our political fabric depend; and we denounce the lawless invasion by armed force of the soil of any State or Territory, no matter under what pretext, as among the gravest of crimes."

I now reiterate these sentiments; and in doing so I only press upon the public attention the most conclusive evidence of which the case is susceptible, that the property, peace, and security of no section are to be in anywise endangered by the now incoming administration.

I add, too, that all the protection which, consistently with the Constitution and the laws, can be given, will be cheerfully given to all the States when lawfully demanded, for whatever cause, as cheerfully to one section as to another.

There is much controversy about the delivering up of fugitives from service or labor. The clause I now read is as plainly written in the Constitution as any other of its provisions:

"No person held to service or labor in one State under the laws thereof, escaping into another, shall, in conse-

quence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due."

It is scarcely questioned that this provision was intended by those who made it for the reclaiming of what we call fugitive slaves; and the intention of the law-giver is the law.

All members of Congress swear their support to the whole Constitution—to this provision as well as any other. To the proposition, then, that slaves whose cases come within the terms of this clause "shall be delivered up," their oaths are unanimous. Now, if they would make the effort in good temper, could they not, with nearly equal unanimity, frame and pass a law by means of which to keep good that unanimous oath?

There is some difference of opinion whether this clause should be enforced by National or by State authority; but surely that difference is not a very material one. If the slave is to be surrendered, it can be of but little consequence to him or to others by which authority it is done; and should any one, in any case, be content that this oath shall go unkept on a merely unsubstantial controversy as to how it shall be kept?

Again, in any law upon this subject, ought not all the safeguards of liberty known in civilized and humane jurisprudence to be introduced, so that a free man be not, in any case, surrendered as a slave? And might it not be well at the same time to provide by law for the enforcement of that clause in the Constitution which guarantees that "the citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States?"

I take the official oath to-day with no mental reservations, and with no purpose to construe the Constitution or laws by any hypercritical rules; and while I do not choose now to specify particular acts of Congress as proper to be enforced, I do suggest that it will be much safer for all, both in official and private stations, to conform to and abide by all those acts which stand unrepealed, than to violate any

of them, trusting to find impunity in having them held to be unconstitutional.

It is seventy-two years since the first inauguration of a President under our National Constitution. During that period, fifteen different and very distinguished citizens have in succession administered the executive branch of the government. They have conducted it through many perils, and generally with great success. Yet, with all this scope for precedent, I now enter upon the same task, for the brief constitutional term of four years, under great and peculiar difficulties.

A disruption of the Federal Union, heretofore only menaced, is now formidably attempted. I hold that in the contemplation of universal law and of the Constitution, the union of these States is perpetual. Perpetuity is implied, if not expressed, in the fundamental law of all national governments. It is safe to assert that no government proper ever had a provision in its organic law for its own termination. Continue to execute all the express provisions of our National Constitution, and the Union will endure forever, it being impossible to destroy it except by some action not provided for in the instrument itself.

Again, if the United States be not a government proper, but an association of States in the nature of a contract merely, can it, as a contract, be peaceably unmade by less than all the parties who made it? One party to a contract may violate it—break it, so to speak; but does it not require all to lawfully rescind it? Descending from these general principles, we find the proposition that in legal contemplation the Union is perpetual, confirmed by the history of the Union itself.

The Union is much older than the Constitution. It was formed, in fact, by the Articles of Association in 1774. It was matured and continued in the Declaration of Independence in 1776. It was further matured, and the faith of all the then thirteen States expressly plighted and engaged that it should be perpetual, by the Articles of the Confederation,

in 1778; and finally, in 1787, one of the declared objects for ordaining and establishing the Constitution was to form a more perfect Union. But if the destruction of the Union by one or by a part only of the States be lawfully possible, the Union is less perfect than before, the Constitution having lost the vital element of perpetuity.

It follows from these views that no State, upon its own mere motion, can lawfully get out of the Union; that resolves and ordinances to that effect are legally void; and that acts of violence within any State or States against the authority of the United States are insurrectionary or revolutionary, according to circumstances.

I therefore consider that, in view of the Constitution and the laws, the Union is unbroken, and, to the extent of my ability, I shall take care, as the Constitution itself expressly enjoins upon me, that the laws of the Union shall be faithfully executed in all the States. Doing this, which I deem to be only a simple duty on my part, I shall perfectly perform it, so far as is practicable, unless my rightful masters, the American people, shall withhold the requisition, or in some authoritative manner direct the contrary.

I trust this will not be regarded as a menace, but only as the declared purpose of the Union that it will constitutionally defend and maintain itself.

In doing this there need be no bloodshed or violence, and there shall be none unless it is forced upon the National authority.

The power confided to me *will be used to hold, occupy, and possess the property and places belonging to the Government,* and collect the duties and imposts; but beyond what may be necessary for these objects there will be no invasion, no using of force against or among the people anywhere.

Where hostility to the United States shall be so great and so universal as to prevent competent resident citizens from holding Federal offices, there will be no attempt to force obnoxious strangers among the people that object. While

strict legal right may exist of the Government to enforce the exercise of these offices, the attempt to do so would be so irritating, and so nearly impracticable withal, that I deem it best to forego, for the time, the uses of such offices.

The mails, unless repelled, will continue to be furnished in all parts of the Union.

So far as possible, the people everywhere shall have that sense of perfect security which is most favorable to calm thought and reflection.

The course here indicated will be followed, unless current events and experience shall show a modification or change to be proper; and in every case and exigency my best discretion will be exercised according to the circumstances actually existing, and with a view and hope of a peaceful solution of the national troubles, and the restoration of fraternal sympathies and affections.

That there are persons, in one section or another, who seek to destroy the Union at all events, and are glad of any pretext to do it, I will neither affirm nor deny. But if there be such, I need address no word to them.

To those, however, who really love the Union, may I not speak, before entering upon so grave a matter as the destruction of our national fabric, with all its benefits, its memories, and its hopes? Would it not be well to ascertain why we do it? Will you hazard so desperate a step, while any portion of the ills you fly from have no real existence? Will you, while the certain ills you fly to are greater than all the real ones you fly from? Will you risk the commission of so fearful a mistake? All profess to be content in the Union if all constitutional rights can be maintained. Is it true, then, that any right, plainly written in the Constitution, has been denied? I think not. Happily the human mind is so constituted that no party can reach to the audacity of doing this.

Think, if you can, of a single instance in which a plainly-written provision of the Constitution has ever been denied. If, by the mere force of numbers, a majority should deprive

a minority of any clearly-written constitutional right, it might, in a moral point of view, justify revolution; it certainly would if such right were a vital one. But such is not our case.

All the vital rights of minorities and of individuals are so plainly assured to them by affirmations and negations, guarantees and prohibitions in the Constitution, that controversies never arise concerning them. But no organic law can ever be framed with a provision specifically applicable to every question which may occur in practical administration. No foresight can anticipate, nor any document of reasonable length contain, express provisions for all possible questions. Shall fugitives from labor be surrendered by National or by State authorities? The Constitution does not expressly say. Must Congress protect slavery in the Territories? The Constitution does not expressly say. From questions of this class spring all our constitutional controversies, and we divide upon them into majorities and minorities.

If the minority will not acquiesce, the majority must, or the government must cease. There is no alternative for continuing the government but acquiescence on the one side or the other. If a minority in such a case will secede rather than acquiesce, they make a precedent which, in turn, will ruin and divide them, for a minority of their own will secede from them whenever a majority refuses to be controlled by such a minority. For instance, why may not any portion of a new Confederacy, a year or two hence, arbitrarily secede again, precisely as portions of the present Union now claim to secede from it? All who cherish disunion sentiments are now being educated to the exact temper of doing this. Is there such perfect identity of interests among the States to compose a new Union as to produce harmony only, and prevent renewed secession? Plainly, the central idea of secession is the essence of anarchy.

A majority held in restraint by constitutional check and limitation, and always changing easily with deliberate changes of popular opinions and sentiments, is the only

true sovereign of a free people. Whoever rejects it, does of necessity fly to anarchy or to despotism. Unanimity is impossible; the rule of a minority, as a permanent arrangement, is wholly inadmissible. So that, rejecting the majority principle, anarchy or despotism, in some form, is all that is left.

I do not forget the position assumed by some that constitutional questions are to be decided by the Supreme Court, nor do I deny that such decisions must be binding in any case upon the parties to a suit, as to the object of that suit, while they are also entitled to a very high respect and consideration in all parallel cases by all other departments of the government; and while it is obviously possible that such decision may be erroneous in any given case, still the evil effect following it, being limited to that particular case, with the chance that it may be overruled and never become a precedent for other cases, can better be borne than could the evils of a different practice.

At the same time the candid citizen must confess that if the policy of the Government upon the vital question affecting the whole people is to be irrevocably fixed by the decisions of the Supreme Court the instant they are made, as in ordinary litigation between parties in personal actions, the people will have ceased to be their own masters, unless having to that extent practically resigned their government into the hands of that eminent tribunal.

Nor is there in this view any assault upon the court or the judges. It is a duty from which they may not shrink, to decide cases properly brought before them; and it is no fault of theirs if others seek to turn their decisions to political purposes. One section of our country believes slavery is right and ought to be extended, while the other believes it is wrong and ought not to be extended; and this is the only substantial dispute; and the fugitive slave clause of the Constitution, and the law for the suppression of the foreign slave-trade, are each as well enforced, perhaps, as any law can ever be in a community where the moral sense of the peo-

ple imperfectly supports the law itself. The great body of the people abide by the dry legal obligations in both cases, and a few break over in each. This, I think, can not be perfectly cured, and it would be worse in both cases after the separation of the sections than before. The foreign slave-trade, now imperfectly suppressed, would be ultimately revived, without restriction, in one section; while fugitive slaves, now only partially surrendered, would not be surrendered at all by the other.

Physically speaking, we can not separate; we can not remove our respective sections from each other, nor build an impassable wall between them. A husband and wife may be divorced, and go out of the presence and beyond the reach of each other, but the different parts of our country can not do this. They can not but remain face to face; and intercourse, either amicable or hostile, must continue between them. Is it possible, then, to make that intercourse more advantageous or more satisfactory after separation than before? Can aliens make treaties easier than friends can make laws? Can treaties be more faithfully enforced between aliens than laws can among friends? Suppose you go to war, you can not fight always; and when, after much loss on both sides and no gain on either, you cease fighting, the identical questions as to terms of intercourse are again upon you.

This country, with its institutions, belongs to the people who inhabit it. Whenever they shall grow weary of the existing government, they can exercise their constitutional right of amending, or their revolutionary right to dismember or overthrow it. I can not be ignorant of the fact that many worthy and patriotic citizens are desirous of having the national Constitution amended. While I make no recommendation of amendment, I fully recognize the full authority of the people over the whole subject, to be exercised in either of the modes prescribed in the instrument itself, and I should, under existing circumstances, favor, rather

than oppose, a fair opportunity being afforded the people to act upon it.

I will venture to add that to me the convention mode seems preferable, in that it allows amendments to originate with the people themselves, instead of only permitting them to take or reject propositions originated by others not especially chosen for the purpose, and which might not be precisely such as they would wish either to accept or refuse. I understand that a proposed amendment to the Constitution (which amendment, however, I have not seen) has passed Congress, to the effect that the Federal Government shall never interfere with the domestic institutions of States, including that of persons held to service. To avoid misconstruction of what I have said, I depart from my purpose not to speak of particular amendments, so far as to say that, holding such a provision to now be implied constitutional law, I have no objection to its being made express and irrevocable.

The Chief Magistrate derives all his authority from the people, and they have conferred none upon him to fix the terms for the separation of the States. The people themselves, also, can do this if they choose, but the Executive, as such, has nothing to do with it. His duty is to administer the present government as it came to his hands, and to transmit it unimpaired by him to his successor. Why should there not be a patient confidence in the ultimate justice of the people? Is there any better or equal hope in the world? In our present differences is either party without faith of being in the right? If the Almighty Ruler of nations, with his eternal truth and justice, be on your side of the North, or on yours of the South, that truth and that justice will surely prevail by the judgment of this great tribunal, the American people. By the frame of the government under which we live, this same people have wisely given their public servants but little power for mischief, and have with equal wisdom provided for the return of that little to their own hands at very short intervals. While the people retain

their virtue and vigilance, no administration, by any extreme wickedness or folly, can very seriously injure the government in the short space of four years.

My countrymen, one and all, think calmly and well upon this whole subject. Nothing valuable can be lost by taking time.

If there be an object to hurry any of you, in hot haste, to a step which you would never take deliberately, that object will be frustrated by taking time; but no good object can be frustrated by it.

Such of you as are now dissatisfied still have the old Constitution unimpaired, and on the sensitive point, the laws of your own framing under it; while the new administration will have no immediate power, if it would, to change either.

If it were admitted that you who are dissatisfied hold the right side in the dispute, there is still no single reason for precipitate action. Intelligence, patriotism, Christianity, and a firm reliance on Him who has never yet forsaken this favored land, are still competent to adjust, in the best way, all our present difficulties.

In your hands, my dissatisfied fellow countrymen, and not in mine, is the momentous issue of civil war. The government will not assail you.

You can have no conflict without being yourselves the aggressors. You have no oath registered in heaven to destroy the government, while I shall have the most solemn one to "preserve, protect, and defend" it.

I am loath to close. We are not enemies, but friends. We must not be enemies. Though passion may have strained, it must not break our bonds of affection.

The mystic cords of memory, stretching from every battlefield and patriot grave to every living heart and hearthstone all over this broad land, will yet swell the chorus of the Union, when again touched, as surely they will be, by the better angels of our nature.

25. ALEXANDER H. STEPHENS, of Georgia.—ON THE CONFEDERATE CONSTITUTION

(Delivered at Savannah, Ga., March 21, 1861.)

Meanwhile delegates from the seceded States, assembled at Montgomery, Ala., had adopted a provisional constitution, and under it had elected Jefferson Davis President of their Confederacy (though his personal preference was for the chief command of the Confederate forces), and Alexander H. Stephens of Georgia Vice-President. On March 11th a permanent constitution was adopted, which was promptly ratified by the different State conventions.

In an address delivered in Savannah, March 21st, Mr. Stephens, whom the historian Rhodes calls "the sincerest and frankest man in the Southern Confederacy," explained at some length the new constitution. From his frank avowal that the corner-stone of the new government rests upon African slavery, the name "the Corner-stone speech" is often given to this address. The speech (which is here given) was impromptu, and is said to have been very imperfectly reported.

In spite of ill health and slight stature (he seldom weighed more than ninety pounds) Stephens was a great

Alexander H. Stephens. Born in Georgia, 1812; graduated from Franklin College (Georgia State University), 1832; admitted to bar, 1834; elected to the legislature, 1836, as an opponent of nullification; in Congress, 1843-59; seriously wounded and health permanently wrecked in a knife duel, 1848; supported Douglas for Presidency, 1860; Vice President of Southern Confederacy, 1861-65; elected to the Senate from Georgia after the war, but not allowed to take his seat; author of "The War Between the States," 1867-70; in Congress, 1874-82; elected Governor of Georgia, 1882; died, 1883.

orator and a fearless statesman. In a memorable speech before the Georgia legislature, following the news of Lincoln's election, he had opposed the secession movement which Toombs, Cobb, and other influential Georgians urged on; and again in the State convention in January, 1861, he repeated his arguments. "I have been and am still," he said, "opposed to secession as a remedy against anticipated aggressions on the part of the Federal Executive or Congress. I have held, and do now hold, that the point of resistance should be the point of aggression. . . . I . . . feel confident, if Georgia would now stand firm, and unite with the Border States . . . in an effort to obtain a redress of these grievances on the part of some of their Northern confederates, whereof they have such just cause to complain, that complete success would attend their efforts. . . . [Nevertheless] if a majority of the delegates in this convention shall, by their votes, dissolve the compact of Union . . . I shall bow in submission to that decision." (Stephens, *War between the States*, p. 305-6.)

[Alexander H. Stephens, at Atlanta, Ga., March 21, 1861.]

MR. MAYOR AND GENTLEMEN OF THE COMMITTEE, AND FELLOW CITIZENS: . . . We are in the midst of one of the greatest epochs in our history. The last ninety days will mark one of the most memorable eras in the history of modern civilization. . . . Seven States have, within the last three months, thrown off an old government, and formed a new. This revolution has been signally marked, up to this time, by the fact of its having been accomplished without loss of a single drop of blood. This new constitution, or form of government, constitutes the subject to which your attention will be partly invited. . . .

Taking the whole of the new constitution, I have no hesitancy in giving it as my judgment that it is decidedly better than the old. Allow me briefly to allude to some of these improvements. . . . We allow the imposition of no duty with a view of giving advantages to one class of persons, in any trade or business, over those of another. All, under our system, stand upon the same broad principles of perfect equality. . . .

This old thorn of the tariff, which was the cause of so much irritation in the old body politic, is removed forever from the new.

Again, the subject of internal improvements, under the power of Congress to regulate commerce, is put at rest under our system. The power claimed by construction, under the old Constitution, was at least a doubtful one—it rested solely upon construction. We of the South, generally apart from considerations of constitutional principles, opposed its exercise upon grounds of expediency and justice. . . . Our opposition sprung from no hostility to commerce or all necessary aids for facilitating it. . . . No State was in greater need of such facilities than Georgia, but we had not asked that those works should be made by appropriations out of the common treasury. . . .

The true principle is, to subject the commerce of every locality to whatever burdens may be necessary to facilitate it. If Charleston harbor needs improvement, let the commerce of Charleston bear the burden. If the mouth of the Savannah river has to be cleared out, let the sea-going navigation which is benefited by it bear the burden. So with the mouths of the Alabama and Mississippi rivers. Just as the products of the interior—our cotton, wheat, corn, and other articles—have to bear the necessary rates of freight over our railroads to reach the seas. This is again the broad principle of perfect equality and justice. And it is specially held forth and established in our new constitution.

Another feature to which I will allude is, that the new constitution provides that cabinet ministers and heads of

departments shall have the privilege of seats upon the floor of the Senate and House of Representatives,—shall have the right to participate in the debates and discussions upon the various subjects of administration. I should have preferred that this provision should have gone further, and allowed the President to select his constitutional advisers from the Senate and House of Representatives. That would have conformed entirely to the practice in the British Parliament, which in my judgment is one of the wisest provisions in the British constitution. It is that which gives it stability, in its facility to change its administration. Ours, as it is, is a great approximation to the right principle. . . .

Another change in the constitution relates to the length of the tenure of the presidential office. In the new constitution it is six years instead of four, and the President is rendered ineligible for re-election. This is certainly a decidedly conservative change. It will remove from the incumbent all temptation to use his office or exert the powers confided to him for any objects of personal ambition. The only incentive to that higher ambition which should move and actuate one holding such high trusts in his hands, will be the good of the people, the advancement, prosperity, happiness, safety, honor, and true glory of the Confederacy.

But not to be tedious in enumerating the numerous changes for the better, allow me to allude to one other—though last, not least: The new constitution has put to rest, *forever,* all agitating questions relating to our peculiar institution, African slavery as it exists among us,—the proper status of the negro in our form of civilization. This was the immediate cause of the late rupture and present revolution. Jefferson, in his forecast, had anticipated this as the "rock upon which the old Union would split." He was right. What was conjecture with him is now a realized fact. But whether he fully comprehended the great truth upon which that rock *stood* and *stands* may be doubted. The prevailing ideas entertained by him and most of the leading

statesmen at the time of the formation of the old Constitution were that the enslavement of the African was in violation of the laws of nature; that it was wrong in *principle*, socially, morally, and politically. It was an evil they knew not well how to deal with, but the general opinion of the men of that day was that somehow or other, in the order of Providence, the institution would be evanescent and pass away. This idea, though not incorporated in the Constitution, was the prevailing idea at the time. The Constitution, it is true, secured every essential guaranty to the institution while it should last, and hence no argument can be justly used against the constitutional guaranties thus secured, because of the common sentiment of the day. Those ideas, however, were fundamentally wrong. They rested upon the assumption of the equality of races. This was an error. It was a sandy foundation, and the idea of the government built upon it; when the "storm came and the wind blew, it *fell.*"

Our new government is founded upon exactly the opposite idea; its foundations are laid, its corner-stone rests, upon the great truth that the negro is not equal to the white man; that slavery—subordination to the superior race—is his natural and normal condition.

This, our new government, is the first in the history of the world based upon this great physical, philosophical, and moral truth. This truth has been slow in the process of its development, like all other truths in the various departments of science. It has been so even among us. Many who hear me perhaps can recollect well that this truth was not generally admitted even within their day. The errors of the past generation still clung to many as late as twenty years ago. Those at the North who still cling to these errors, with a zeal above knowledge, we justly denominate fanatics.

All fanaticism springs from an aberration of the mind, from a defect in reasoning. It is a species of insanity. One of the most striking characteristics of insanity, in many

instances, is forming correct conclusions from fancied or erroneous premises. So with the anti-slavery fanatics: their conclusions are right, if their premises are. They assume that the negro is equal, and hence conclude that he is entitled to equal privileges and rights with the white man. If their premise were correct, their conclusion would be logical and just; but, their premise being wrong, their whole argument fails. I recollect once having heard a gentleman from one of the Northern States, of great power and ability, announce in the House of Representatives, with imposing effect, that we of the South would be compelled, ultimately, to yield upon this subject of slavery; that it was as impossible to war successfully against a principle in politics as it was in physics or mechanics; that the principle would ultimately prevail; that we, in maintaining slavery as it exists with us, were warring against a principle, a principle founded in nature, the principle of the equality of man. The reply I made to him was, that upon his own grounds we should succeed, and that he and his associates in their crusades against our institutions would ultimately fail. The truth announced, that it was as impossible to war successfully against a principle in politics as in physics and mechanics, I admitted, but told him that it was he and those acting with him who were warring against a principle. They were attempting to make things equal which the Creator had made unequal.

In the conflict thus far, success has been on our side, complete throughout the length and breadth of the Confederate States. It is upon this, as I have stated, our social fabric is firmly planted, and I can not permit myself to doubt the ultimate success of a full recognition of this principle throughout the civilized and enlightened world.

As I have stated, the truth of this principle may be slow in development, as all truths are and ever have been in the various branches of science. It was so with the principles announced by Galileo; it was so with Adam Smith and his principles of political economy. It was so with Harvey and

his theory of the circulation of the blood. It is stated that not a single one of the medical profession, living at the time of the announcement of the truths made by him, admitted them. Now they are universally acknowledged. May we not, therefore, look with confidence to the ultimate universal acknowledgment of the truths upon which our system rests? It is the first government ever instituted upon principles in strict conformity to nature and the ordination of Providence in furnishing the materials of human society.

Many governments have been founded upon the principle of the enslavement of certain classes; but the classes thus enslaved were of the same race, and in violation of the laws of nature. Our system commits no such violation of nature's laws. The negro by nature, or by the curse against Canaan, is fitted for that condition which he occupies in our system. The architect, in the construction of buildings, lays the foundation with proper materials—the granite, then comes the brick or the marble. The substratum of our society is made of the material fitted by nature for it, and by experience we know that it is best, not only for the superior but for the inferior race, that it should be so. It is, indeed, in conformity with the ordinance of the Creator. It is not for us to inquire into the wisdom of his ordinances or to question them. For his own purposes he has made one race to differ from another, as he has made "one star to differ from another in glory."

The great objects of humanity are best attained when conformed to his laws and decrees, in the formation of governments as well as in all things else. Our Confederacy is founded upon principles in strict conformity with these laws. This stone which was rejected by the first builders "is become the chief stone of the corner" in our new edifice.

I have been asked, what of the future? It has been apprehended by some that we would have arrayed against us the civilized world. . . . Some have propounded the

inquiry, Whether it is practicable for us to go on with the Confederacy without further accessions? Have we the means and ability to maintain nationality among the Powers of the earth? On this point I would barely say that as anxiously as we all have been and are for the Border States, with institutions similar with ours, to join us, still we are abundantly able to maintain our position even if they should ultimately make up their minds not to cast their destiny with ours. That they ultimately will join us—be compelled to do it—is my confident belief, but we can get on very well without them, even if they should not. . . .

Will everything, commenced so well, continue as it has begun? In reply to this anxious inquiry I can only say it all depends upon ourselves. . . . We are a young republic just entering upon the arena of nations; we will be the architect of our own fortunes. Our destiny, under Providence, is in our own hands. With wisdom, prudence, and statesmanship on the part of our public men, and intelligence, virtue, and patriotism on the part of the people, success, to the full measures of our most sanguine hopes, may be looked for. But if we become divided; if schisms arise; if dissensions spring up; if factions are engendered; if party spirit, nourished by unholy personal ambition, shall rear its hydra head,—I have no good to prophesy for you. Without intelligence, virtue, integrity, and patriotism on the part of the people, no republic or representative government can be durable or stable. . . .

Our growth by accessions from other States will depend greatly upon whether we present to the world, as I trust we shall, a better government than that to which they belong. If we do this, North Carolina, Tennessee, and Arkansas can not hesitate long; neither can Virginia, Kentucky, and Missouri. They will necessarily gravitate to us by an imperious law. We made ample provision in our constitution for the admission of other States; it is more guarded—and wisely so, I think—than the old Constitution on the same subject, but not too guarded to receive them as fast as it may be

proper. Looking to the distant future, and perhaps not very distant either, it is not beyond the range of possibility and even probability that all the great States of the Northwest shall gravitate this way, as well as Tennessee, Kentucky, Missouri, Arkansas, etc. Should they do so our doors are wide enough to receive them, but not until they are ready to assimilate with us in principle.

The process of disintegration in the old Union may be expected to go on with almost absolute certainty. We are now the nucleus of a growing power which, if we are true to ourselves, our destiny, and high mission, will become the controlling power on this continent. To what extent accession will go on in the process of time, or where it will end, the future will determine. So far as it concerns States of the old Union, they will be upon no such principle of reconstruction as now spoken of, but upon reorganization and new assimilation. Such are some of the glimpses of the future as I catch them.

But at first we must necessarily meet with the inconveniences and difficulties and embarrassments incident to all changes of government. These will be felt in our postal affairs and changes in the channel of trade. These inconveniences, it is to be hoped, will be but temporary, and must be borne with patience and forbearance.

As to whether we shall have war with our late confederates, or whether all matters of differences between us shall be amicably settled, I can only say that the prospect for a peaceful adjustment is better, so far as I am informed, than it has been.

The prospect of war is at least not so threatening as it has been. The idea of coercion shadowed forth in President Lincoln's inaugural seems not to be followed up, thus far, so vigorously as was expected. Fort Sumter, it is believed, will soon be evacuated. What course will be pursued toward Fort Pickens and the other forts on the Gulf is not well understood. It is to be greatly desired that all of them should be surrendered. Our object is *Peace,* not only with

the North, but with the world. All matters relating to the public property, public liabilities of the Union when we were members of it, we are ready and willing to adjust and settle upon the principles of right, equality, and good faith. War can be of no more benefit to the North than to us. The idea of coercing us or subjugating us is utterly preposterous.

Whether the intention of evacuating Fort Sumter is to be received as an evidence of a desire for a peaceful solution of our difficulties with the United States, or the result of necessity, I will not undertake to say. I would fain hope the former. Rumors are afloat, however, that it is the result of necessity. All I can say to you, therefore, on that point is, keep your armor bright and your powder dry.

The surest way to secure peace is to show your ability to maintain your rights. The principles and position of the present administration of the United States—the Republican party—present some puzzling questions. While it is a fixed principle with them never to allow the increase of a foot of slave territory, they seem to be equally determined not to part with an inch "of the accursed soil." Notwithstanding their clamor against the institution, they seem to be equally opposed to getting more or letting go what they have got. They were ready to fight on the accession of Texas, and are equally ready to fight now on her secession. Why is this? How can this strange paradox be accounted for? There seems to be but one rational solution, and that is, notwithstanding their professions of humanity, they are disinclined to give up the benefits they derive from slave labor. Their philanthropy yields to their interest. The idea of enforcing the laws has but one object, and that is a collection of the taxes raised by slave labor to swell the fund necessary to meet their heavy appropriations. The spoils is what they are after, though they come from the labor of the slave. . . .

26. HENRY WARD BEECHER, of Brooklyn, N. Y.—ADDRESS AT LIVERPOOL

(Delivered at Liverpool, Eng., October 16, 1863.)

The attitude which Great Britain should assume toward the war between the States was a matter of vital concern to the North; and it was with undue anger (as we now see) that it was learned that her attitude, so far as concerns the British Government, was not especially friendly. We complained of the haste with which belligerent rights were granted to the Confederacy; of the sympathy openly extended to the South by the English upper classes; and of the slack enforcement of British neutrality laws, which permitted the escape of the Confederate cruiser *Alabama* and other English-built vessels to prey upon Northern commerce. On the other hand, our unwarranted seizure of the Confederate envoys, Mason and Slidell, from the British mail steamer *Trent,* provoked an outburst of warlike energy on the part of the British government, which made their surrender very galling to American pride. Lowell, the laureate of Anti-Slavery, well caught the prevalent Northern sentiment in the following epistle from "Jonathan to John," in his *Biglow Papers* (1862):

Henry Ward Beecher. Born in Connecticut, 1813; graduated from Amherst College, 1834; from Lane Theological Seminary, 1837; Presbyterian minister in Lawrenceburg, Ind., 1837-39; in Indianapolis, 1839-47; pastor of Plymouth Congregational Church, Brooklyn, N. Y., 1847-87; Republican campaign speaker, 1856, and 1860; supported Cleveland in 1884; died, 1887.

It don't seem hardly right, John,
When both my hands was full,
To stump me to a fight, John,—
Your cousin, tu, John Bull!
Ole Uncle S. sez he, "I guess
We know it now," sez he,
"The lion's paw is all the law,
Accordin' to J. B.,
Thet's fit for you an' me!"

You wonder why we're hot, John?
Your mark wuz on the guns,
The neutral guns, thet shot, John,
Our brothers an' our sons:
Ole Uncle S. sez he, "I guess
There's human blood," sez he,
"By fits an' starts, in Yankee hearts,
Though 't may surprise J. B.
More'n it would you an' me!"

* * * * * * * *

We give the critters [Mason and Slidell] back, John,
Cos Abram thought 't was right;
It warn't your bullyin' clack, John,
Provokin' us to fight.
Ole Uncle S. sez he, "I guess
We've a hard row," sez he,
"To hoe jest now; but thet somehow
May happen to J. B.
Ez wal ez you an' me!"

The series of speeches delivered at different places in Great Britain, in 1863, by Henry Ward Beecher, then traveling in Europe for his health, did much to promote a better understanding of the Northern cause among the British people. Oliver Wendell Holmes wrote: "Mr. Beecher made a single speech in Great Britain, but it was delivered piecemeal in different places. Its exordium was uttered on the ninth of October at Manchester, and its peroration was pronounced on the twentieth of the same month

in Exeter Hall [London]." As the son of Dr. Lyman Beecher and the brother of the author of *Uncle Tom's Cabin,* no less than for his fearless eloquence, Mr. Beecher gained the ear of the British public; and "through the heart of the people," in the words of Mr. Holmes, "he reached nobles, ministers, courtiers, the throne itself."

The most difficult audience that he had to face was at Liverpool, where special efforts were made to stir up the populace against him. Placards were posted stating that he had "recommended London to be sacked and this town destroyed" because of the *Trent* affair; and one set ended with the ominous words: "Let Englishmen see that he gets *the welcome he deserves.*" After his return to America Mr. Beecher gave the following general description of the turbulence of English public meetings: "No American that has not seen an English mob can form any conception of one. I have seen all sorts of camp-meetings and experienced all kinds of public speaking on the stump; I have seen the most disturbed meetings in New York City; and they were all of them as twilight to midnight compared to an English hostile audience. For in England the meeting does not belong to the parties that call it, but to whoever chooses to go, and if they can take it out of your hands it is considered fair play." Of the meeting at Liverpool in particular, he said: "Of all confusions and turmoils and whirls, I never saw the like. I got control of the meeting in about an hour and a half, and then I had a clear road the rest of the way. We carried the meeting, but it required a three hours' use of my voice at its utmost strength. I sometimes felt like a shipmaster attempting to preach on board of a ship through a speaking trumpet, with a tornado on the sea and a mutiny among the men." (See Beecher, *Patriotic Addresses,* pp. 548, 643, 647, 652.)

[Henry Ward Beecher, at Philharmonic Hall, Liverpool, Eng., October 16, 1863.]

FOR MORE than twenty-five years I have been made perfectly familiar with popular assemblies in all parts of my country except the extreme South. There has not for the whole of that time been a single day of my life when it would have been safe for me to go south of Mason and Dixon's line in my own country, and all for one reason: my solemn, earnest, persistent testimony against that which I consider to be the most atrocious thing under the sun—the system of American slavery in a great free republic. [*Cheers.*] I have passed through that early period when right of free speech was denied to me. Again and again I have attempted to address audiences that, for no other crime than that of free speech, visited me with all manner of contumelious epithets; and now since I have been in England, although I have met with greater kindness and courtesy on the part of most than I deserved, yet, on the other hand, I perceive that the Southern influence prevails to some extent in England. [*Applause and uproar.*] It is my old acquaintance; I understand it perfectly [*laughter*], and I have always held it to be an unfailing truth that where a man had a cause that would bear examination he was perfectly willing to have it spoken about. [*Applause.*] And when in Manchester I saw those huge placards: "Who is Henry Ward Beecher?" [*laughter, cries of "Quite right," and applause*]—and when in Liverpool I was told that there were those blood-red placards, purporting to say what Henry Ward Beecher had said, and calling upon Englishmen to suppress free speech—I tell you what I thought. I thought simply this: "I am glad of it." [*Laughter.*] Why? Because if they had felt perfectly secure that *you* are the minions of the South and the slaves of slavery, they would have been perfectly still. [*Applause and uproar.*] And, therefore, when I saw so much nervous apprehension that, if I were permitted to speak [*hisses and applause*]—when I found they were afraid to have me speak [*hisses, laugh-*

ter, and "No, no!"]—when I found that they considered my speaking damaging to their cause [*applause*]—when I found that they appealed from facts and reasonings to mob law [*applause and uproar*]—I said, No man need tell me what the heart and secret counsel of these men are. They tremble and are afraid. [*Applause, laughter, hisses, "No, no!" and a voice: "New York mob."*] Now, personally, it is a matter of very little consequence to me whether I speak here to-night or not. [*Laughter and cheers.*] But, one thing is very certain, if you do permit me to speak here to-night you will hear very plain talking. [*Applause and hisses.*] You will not find a man [*interruption*]—you will not find me to be a man that dared to speak about Great Britain 3,000 miles off, and then is afraid to speak to Great Britain when he stands on her shores. [*Immense applause and hisses.*] And if I do not mistake the tone and temper of Englishmen, they had rather have a man who opposes them in a manly way [*applause from all parts of the hall*] than a sneak that agrees with them in an unmanly way. [*Applause and "Bravo!"*] Now, if I can carry you with me by sound convictions, I shall be immensely glad [*applause*]; but if I can not carry you with me by facts and sound arguments, I do not wish you to go with me at all; and all that I ask is simply *fair play.* [*Applause, and a voice: "You shall have it, too."*] Those of you who are kind enough to wish to favor my speaking—and you will observe that my voice is slightly husky, from having spoken almost every night in succession for some time past—those who wish to hear me will do me the kindness simply to sit still, and to keep still; and I and my friends the Secessionists will make all the noise. [*Laughter.*]

There are two dominant races in modern history—the Germanic and the Romanic races. The Germanic races tend to personal liberty, to a sturdy individualism, to civil and to political liberty. The Romanic race tends to absolutism in government; it is clannish; it loves chieftains; it

develops a people that crave strong and showy governments to support and plan for them. The Anglo-Saxon race belongs to the great German family, and is a fair exponent of its peculiarities. The Anglo-Saxon carries self-government and self-development with him wherever he goes. He has popular *government* and popular *industry;* for the effects of a generous civil liberty are not seen a whit more plain in the good order, in the intelligence, and in the virtue of a self-governing people, than in their amazing enterprise and the scope and power of their creative industry. The power to create riches is just as much a part of the Anglo-Saxon virtues as the power to create good order and social safety. The things required for prosperous labor, prosperous manufactures, and prosperous commerce are three: First, liberty; second, liberty; third, liberty. [*Hear, hear!*] Though these are not merely the same liberty, as I shall show you. First, there must be liberty to follow those laws of business which experience has developed, without imposts or restrictions, or governmental intrusions. Business simply wants to be let alone. [*Hear, hear!*] Then, secondly, there must be liberty to distribute and exchange products of industry in any market without burdensome tariffs, without imposts, and without vexatious regulations. There must be these two liberties—liberty to create wealth as the makers of it think best, according to the light and experience which business has given them; and then liberty to distribute what they have created without unnecessary vexatious burdens. The comprehensive law of the ideal industrial condition of the world is free manufacture and free trade. [*Hear, hear! A voice: "The Morrill tariff." Another voice: "Monroe."*] I have said there were three elements of liberty. The third is the necessity of an intelligent and free race of customers. There must be freedom among producers; there must be freedom among the distributors; there must be freedom among the customers. It may not have occurred to you that it makes any difference what one's customers

are, but it does in all regular and prolonged business. The condition of the customer determines how much he will buy, determines of what sort he will buy. Poor and ignorant people buy little and that of the poorest kind. The richest and the intelligent, having the more means to buy, buy the most, and always buy the best. Here, then, are the three liberties: liberty of the producer, liberty of the distributor, and liberty of the consumer. The first two need no discussion; they have been long thoroughly and brilliantly illustrated by the political economists of Great Britain and by her eminent statesmen: but it seems to me that enough attention has not been directed to the third; and, with your patience, I will dwell upon that for a moment, before proceeding to other topics.

It is a necessity of every manufacturing and commercial people that their customers should be very wealthy and intelligent. Let us put the subject before you in the familiar light of your own local experience. To whom do the tradesmen of Liverpool sell the most goods at the highest profit? To the ignorant and poor, or to the educated and prosperous? [*A voice: "To the Southerners." Laughter.*] The poor man buys simply for his body; he buys food, he buys clothing, he buys fuel, he buys lodging. His rule is to buy the least and the cheapest that he can. He goes to the store as seldom as he can; he brings away as little as he can; and he buys for the least he can. [*Much laughter.*] Poverty is not a misfortune to the poor only who suffer it, but it is more or less a misfortune to all with whom he deals. On the other hand, a man well off—how is it with him? He buys in far greater quantity. He can afford to do it; he has the money to pay for it. He buys in far greater variety, because he seeks to gratify not merely physical wants, but also mental wants. He buys for the satisfaction of sentiment and taste, as well as of sense. He buys silk, wool, flax, cotton; he buys all metals—iron, silver, gold, platinum; in short, he buys for all necessities and all substances. But that is not all. He buys a better

quality of goods. He buys richer silks, finer cottons, higher grained wools. Now, a rich silk means so much skill and care of somebody's that has been expended upon it to make it finer and richer; and so of cotton and so of wool. That is, the price of the finer goods runs back to the very beginning, and remunerates the workman as well as the merchant. Indeed, the whole laboring community is as much interested and profited as the mere merchant, in this buying and selling of the higher grades in the greater varieties and quantities. The law of price is the skill; and the amount of skill expended in the work is as much for the market as are the goods. A man comes to the market and says: "I have a pair of hands," and he obtains the lowest wages. Another man comes and says, "I have something more than a pair of hands; I have truth and fidelity;" he gets the higher price. Another man comes and says, "I have something more; I have hands, and strength, and fidelity, and skill." He gets more than either of the others. The next man comes and says: "I have got hands, and strength, and skill, and fidelity; but my hands work more than that. They know how to create things for the fancy, for the affections, for the moral sentiments;" and he gets more than any of the others. The last man comes and says: "I have all these qualities, and have them so highly that it is a peculiar genius;" and genius carries the whole market and gets the highest price. [*Loud applause.*] So that both the workman and the merchant are profited by having purchasers that demand quality, variety, and quantity. Now, if this be so in the town or the city, it can only be so because it is a law. This is the specific development of a general or universal law, and therefore we should expect to find it as true of a nation as of a city like Liverpool. I know that it is so, and you know that it is true of all the world; and it is just as important to have customers educated, intelligent, moral, and rich out of Liverpool as it is in Liverpool. [*Applause.*] They are able to buy; they want variety; they want the very best; and those are the customers you want.

That nation is the best customer that is freest, because freedom works prosperity, industry, and wealth. Great Britain, then, aside from moral considerations, has a direct commercial and pecuniary interest in the liberty, civilization, and wealth of every nation on the globe. [*Loud applause.*] You also have an interest in this, because you are a moral and religious people. [*"Oh, oh!" laughter and applause.*] You desire it from the highest motives; and godliness is profitable in all things, having the promise of the life that now is, as well as of that which is to come: but if there were no hereafter, and if man had no progress in this life, and if there were no question of civilization at all, it would be worth your while to protect civilization and liberty, merely as a commercial speculation. To evangelize has more than a moral and religious import—it comes back to temporal relations. Wherever a nation that is crushed, cramped, degraded under despotism, is struggling to be free, you, Leeds, Sheffield, Manchester, Paisley, all have an interest that that nation should be free. When depressed and backward people demand that they may have a chance to rise—Hungary, Italy, Poland—it is a duty for humanity's sake, it is a duty for the highest moral motives, to sympathize with them; but besides all these there is a material and an interested reason why you should sympathize with them. Pounds and pence join with conscience and with honor in this design.

Now, Great Britain's chief want is—what? They have said that your chief want is cotton. I deny it. Your chief want is consumers. [*Applause and hisses.*] You have got skill, you have got capital, and you have got machinery enough to manufacture goods for the whole population of the globe. You could turn out fourfold as much as you do, if you only had the market to sell in. It is not, therefore, so much the want of fabric, though there may be a temporary obstruction of that; but the principal and increasing want—increasing from year to year—is, Where shall we find men to buy what we can manufacture so fast?

[*Interruption, and a voice, "The Morrill tariff," and applause.*] Before the American war broke out your warehouses were loaded with goods that you could not sell. [*Applause and hisses.*] You had over-manufactured; what is the meaning of over-manufacturing but this: that you had skill, capital, machinery, to create faster than you had customers to take goods off your hands? And you know that, rich as Great Britain is, vast as are her manufactures, if she could have fourfold the present demand, she could make fourfold riches to-morrow; and every political economist will tell you that your want is not cotton primarily, but customers. Therefore, the doctrine, How to make customers, is a great deal more important to Great Britain than the doctrine, How to raise cotton. It is to that doctrine I ask you, business men, practical men, men of fact, sagacious Englishmen—to that point I ask a moment's attention. [*Shouts of "Oh, oh!" hisses, and applause.*]

There are no more continents to be discovered. [*Hear, hear!*] The market of the future must be found—how? There is very little hope of any more demand being created by new fields. If you are to have a better market, there must be some kind of process invented to make the old fields better. [*A voice, "Tell us something new," shouts of "Order," and interruption.*] Let us look at it, then. You must civilize the world in order to make a better class of purchasers. [*Interruption.*] If you were to press Italy down again under the feet of despotism, Italy discouraged could draw but very few supplies from you. But give her liberty, kindle schools throughout her valleys, spur her industry, make treaties with her by which she can exchange her wine and her oil and her silk for your manufactured goods; and for every effort that you make in that direction there will come back profit to you by increased traffic with her. [*Loud applause.*] If Hungary asks to be an unshackled nation—if by freedom she will rise in virtue and intelligence, then by freedom she will acquire a more multifarious industry, which she will be willing to exchange for

your manufactures. Her liberty is to be found—where? You will find it in the Word of God, you will find it in the code of history; but you will also find it in the Price Current [*hear, hear!*]; and every free nation, every civilized people—every people that rises from barbarism to industry and intelligence,—becomes a better customer.

A savage is a man of one story, and that one story a cellar. When man begins to be civilized, he raises another story. When you Christianize and civilize the man, you put story upon story, for you develop faculty after faculty; and you have to supply every story with your productions. The savage is a man one story deep; the civilized man is thirty stories deep. [*Applause.*] Now, if you go to a lodging-house where there are three or four men, your sales to them may, no doubt, be worth *something;* but if you go to a lodging-house like some of those which I saw in Edinburgh, which seemed to contain about twenty stories [*"Oh, oh!" and interruption*], every story of which is full, and all who occupy buy of you—which is the better customer, the man who is drawn out, or the man who is pinched up? [*Laughter.*]

There is in this a great and sound principle of economy. [*"Yah, yah!" from the passage outside the hall, and loud laughter.*] If the South should be rendered independent—[*at this juncture mingled cheering and hisses became immense; half the audience rose to their feet, waving hats and handkerchiefs, and in every part of the hall there was the greatest commotion and uproar.*] Well, you have had your turn now; now let me have mine again. [*Loud applause and laughter.*] It is a little inconvenient to talk against the wind; but after all, if you will just keep good-natured —I am not going to lose my temper; will you watch yours? [*Applause.*] Besides all that, it rests me, and gives me a chance, you know, to get my breath. [*Applause and hisses.*] And I think that the bark of those men is worse than their bite. They do not mean any harm—they don't know any better. [*Loud laughter, applause, hisses, and*

continued uproar.] I was saying, when these responses broke in, that it was worth our while to consider both alternatives. What will be the result if this present struggle shall eventuate in the separation of America, and making the South—[*loud applause, hisses, hooting and cries of "Bravo!"*]—a slave territory exclusively—[*cries of "No, no!" and laughter*]—and the North a free territory; what will be the final result? You will lay the foundation for carrying the slave population clear through to the Pacific Ocean. This is the first step. There is not a man who has been a leader of the South any time within these twenty years, that has not had this for a plan. It was for this that Texas was invaded, first by colonists, next by marauders, until it was wrested from Mexico. It was for this that they engaged in the Mexican War itself, by which the vast territory reaching to the Pacific was added to the Union. Never for a moment have they given up the plan of spreading the American institution, as they call it, straight through toward the West, until the slave, who has washed his feet in the Atlantic, shall be carried to wash them in the Pacific. [*Cries of "Question," and uproar.*] There! I have got that statement out, and you can not put it back. [*Laughter and applause.*]

Now, let us consider the prospect. If the South becomes a slave empire, what relation will it have to you as a customer? [*A voice: "Or any other man." Laughter.*] It would be an empire of twelve millions of people. Now, of these, eight million are white, and four million are black. [*A voice: "How many have you got?" Applause and laughter. Another voice: "Free your own slaves."*] Consider that one-third of the whole are the miserably poor, unbuying blacks. [*Cries of "No, no!" "Yes, yes!" and interruption.*] You do not manufacture much for them. [*Hisses, "Oh!" "No."*] You have not got machinery coarse enough. [*Laughter, and "No."*] Your labor is too skilled by far to manufacture bagging and linsey-woolsey. [*A Southerner: "We are going to free them, every one."*] Then you and

I agree exactly. [*Laughter.*] One other third consists of a poor, unskilled, degraded white population; and the remaining one-third, which is a large allowance, we will say, intelligent and rich. Now here are twelve million of people, and only one-third of them are customers that can afford to buy the kind of goods that you bring to market. [*Interruption and uproar.*] My friends, I saw a man once, who was a little late at a railway station, chase an express train. He did not catch it. [*Laughter.*] If you are going to stop this meeting, you have got to stop it before I speak; for after I have got the things out, you may chase as long as you please—you will not catch them. [*Laughter and interruption.*] But there is luck in leisure; I'm going to take it easy. [*Laughter.*] Two-thirds of the population of the Southern States to-day are non-purchasers of English goods. [*A voice: "No, they are not;" "No, no!" and uproar.*] Now you must recollect another fact—namely, that this is going on clear through to the Pacific Ocean; and if by sympathy or help you establish a slave empire, you sagacious Britons—[*"Oh, oh!" and hooting*]—if you like it better, then, I will leave the adjective out—[*Laughter, Hear! and applause*]—are busy in favoring the establishment of an empire from ocean to ocean that should have fewest customers and the largest non-buying population. [*Applause, "No, no!" A voice: "I thought it was the happy people that populated fastest."*]

. . . . Now, what can England make for the poor white population of such a future empire, and for her slave population? What carpets, what linens, what cottons can you sell them? What machines, what looking-glasses, what combs, what leather, what books, what pictures, what engravings? [*A voice: "We'll sell them ships."*] You may sell ships to a few, but what ships can you sell to two-thirds of the population of poor whites and blacks? [*Applause.*] A little bagging and a little linsey-woolsey, a few whips and manacles, are all that you can sell for the slave. [*Great applause and uproar.*] This very day, in

the slave States of America there are eight millions out of twelve millions that are not and can not be your customers from the very laws of trade. [*A voice: "Then how are they clothed?" and interruption.*]

. . . Now, it is said that if the South should be allowed to be separate there will be no tariff, and England can trade with her; but if the South remains in the United States it will be bound by a tariff, and English goods will be excluded from it. [*Interruption.*] Well, I am not going to shirk any question of that kind. . . . There has not been for the whole of the fifty years a single hour when any tariff could be passed without the South. The opinion of the whole of America was, Tariff, high tariff. I do not mean that there were none that dissented from that opinion, but it was the popular and prevalent cry. I have lived to see the time when, just before the war broke out, it might be said that the thinking men of America were ready for free-trade. There has been a steady progress throughout America for free-trade ideas.

How, then, came this Morrill tariff? The Democratic administration, inspired by Southern counsels, left millions of millions of unpaid debt to cramp the incoming of Lincoln; and the government, betrayed by the Southern States, found itself unable to pay those debts, unable to build a single ship, unable to raise an army; and it was the exigency, the necessity, that forced them to adopt the Morrill tariff, in order to raise the money which they required. It was the South that obliged the North to put the tariff on. [*Applause and uproar.*] Just as soon as we begin to have peace again, and can get our national debt into a proper shape as you have got yours—[*laughter*]—the same cause that worked before will begin to work again; and there is nothing more certain in the future than that America is bound to join with Great Britain in the world-wide doctrine of free-trade. [*Applause and interruption.*] . . .

But I know that you say, You can not help sympathizing with a gallant people. [*Hear, hear!*] They are the weaker

people, the minority; and you can not help going with the minority who are struggling for their rights against the majority. Nothing could be more generous, when a weak party stands for its own legitimate right against imperious pride and power, than to sympathize with the weak. But who ever sympathized with a weak thief, because three constables had got hold of him? [*Hear, hear!*] And yet the one thief in three policemen's hands is the weaker party; I suppose *you* would sympathize with him. [*Hear, hear! laughter and applause.*] Why, when that infamous king of Naples, Bomba [Francis II.], was driven into Gaeta by Garibaldi with his immortal band of patriots [1860] and Cavour sent against him the army of Northern Italy, who was the weaker party then? The tyrant and his minions; and the majority was with the noble Italian patriots, struggling for liberty. I never heard that Old England sent deputations to King Bomba, and yet his troops resisted bravely there. [*Laughter and interruption.*] To-day the majority of the people of Rome is with Italy. Nothing but French bayonets keep her from going back to the kingdom of Italy, to which she belongs.* Do you sympathize with the minority in Rome or the majority in Italy? [*A voice: "With Italy."*] To-day the South is the minority in America, and they are fighting for "independence!" For what? [*Uproar. A voice: "Three cheers for independence!" and hisses.*] I could wish so much bravery had had a better cause, and that so much self-denial had been less deluded; that the poisonous and venomous doctrine of State Sovereignty might have been kept aloof; that so many gallant spirits, such as Stonewall Jackson, might still have lived. [*Great applause and loud cheers, again and again renewed.*] The force of these facts, historical and incontrovertible, can not be broken, except by diverting attention by an attack upon the North. It is said that the North

*Rome was not wrested from the Pope, to become the capital of the kingdom of Italy, until 1871, after the French troops were withdrawn for use in the Franco-German War.

is fighting for Union, and not for emancipation. The North *is* fighting for Union, for that *insures* emancipation. [*Loud cheers, "Oh, oh!" "No, no!" and cheers.*] A great many men say to ministers of the Gospel: "You pretend to be preaching and working for the love of the people. Why, you are all the time preaching for the sake of the Church." What does the minister say? "It is by means of the Church that we help the people." And when men say that we are fighting for the Union, I too say we are fighting for the Union. [*Hear, hear! and a voice: "That's right."*] But the motive determines the value; and why are we fighting for the Union? Because we never shall forget the testimony of our enemies. They have gone off declaring that the Union in the hands of the North was fatal to slavery. [*Loud applause.*] There is testimony in court for you. [*A voice: "See that," and laughter.*] . . .

Well, next it is said that the North treats the negro race worse than the South. [*Applause, cries of "Bravo!" and uproar.*] Now, you see I don't fear any of these disagreeable arguments. I am going to face every one of them. In the first place, I am ashamed to confess that such was the thoughtlessness—[*interruption*]—such was the stupor of the North—[*renewed interruption*]—you will get a word at a time; to-morrow will let folks see what it is you don't want to hear—that for a period of twenty-five years she went to sleep, and permitted herself to be drugged and poisoned with the Southern prejudice against black men. [*Applause and uproar.*] The evil was made worse, because, when any object whatever has caused anger between political parties, a political animosity arises against that object, no matter how innocent in itself; no matter what were the original influences which excited the quarrel. Thus the colored man has been the football between the two parties in the North, and has suffered accordingly. I confess it to my shame. But I am speaking now on my own ground, for I began twenty-five years ago, with a small party, to combat the unjust dislike of the colored man. [*Loud applause,*

dissension, and uproar. The interruption at this point became so violent that the friends of Mr. Beecher throughout the hall rose to their feet, waving hats and handkerchiefs, and renewing their shouts of applause. The interruption lasted some minutes.] Well, I have lived to see a total revolution in the Northern feeling—I stand here to bear solemn witness of that. It is not my opinion; it is my knowledge. [*Great uproar.*] Those men who undertook to stand up for the rights of all men—black as well as white—have increased in number; and now what party in the North represents those men that resist the evil prejudices of past years? The Republicans are that party. [*Loud applause.*] And who are those men in the North that have oppressed the negro? They are the Peace Democrats; and the prejudice for which in England you are attempting to punish me, is a prejudice raised by the men who have opposed me all my life. These pro-slavery Democrats abused the negro. I defended him, and they mobbed me for doing it. Oh, justice! [*Loud laughter, applause, and hisses.*] This is as if a man should commit an assault, maim and wound a neighbor, and a surgeon being called in should begin to dress his wounds, and by and by a policeman should come and collar the surgeon and haul him off to prison on account of the wounds which he was healing.

Now, I told you I would not flinch from anything. I am going to read you some questions that were sent after me from Glasgow, purporting to be from a workingman. [*Great interruption.*] If those pro-slavery interrupters think they will tire me out, they will do more than eight millions in America could. [*Applause and renewed interruption.*] I was reading a question on your side too:

"Is it not a fact that in most of the Northern States laws exist precluding negroes from equal civil and political rights with the whites? That in the State of New York the negro has to be the possessor of at least two hundred and fifty dollars' worth of property to entitle him to the privileges of a white citizen? That in some of the Northern States the col-

ored man, whether bond or free, is by law excluded altogether, and not suffered to enter the State limits, under severe penalties? And is not Mr. Lincoln's own State one of them? And in view of the fact that the $20,000,000 compensation which was promised to Missouri in aid of emancipation was defeated in the last Congress (the strongest Republican Congress that ever assembled), what has the North done toward emancipation?"

Now, then, there's a dose for you. [*A voice: "Answer it."*] And I will address myself to the answering of it.

And first, the bill for emancipation in Missouri, to which this money was denied, was a bill which was drawn by what we call "log-rollers," who inserted in it an enormously disproportioned price for the slaves. The Republicans offered to give them $10,000,000 for the slaves in Missouri, and *they* outvoted it because they could not get $12,000,000. Already half the slave population had been "run" down South, and yet they came up to Congress to get $12,000,000 for what was not worth ten millions, nor even eight millions.

Now as to those States that had passed "black" laws, as we call them; they are filled with Southern emigrants. The southern parts of Ohio, the southern part of Indiana, where I myself lived for years and which I knew like a book, the southern part of Illinois, where Mr. Lincoln lives [*great uproar*]—these parts are largely settled by emigrants from Kentucky, Tennessee, Georgia, Virginia, and North Carolina, and it was their votes, or the Northern votes pandering for political reasons to theirs, that passed in those States the infamous "black" laws; and the Republicans in these States have a record, clean and white, as having opposed these laws in every instance as "infamous."

Now as to the State of New York; it is asked whether a negro is not obliged to have a certain freehold property, or a certain amount of property, before he can vote. It is so still in North Carolina and Rhode Island for *white* folks—it is so in New York State. [*Mr. Beecher's voice slightly*

failed him here, and he was interrupted by a person who tried to imitate him. Cries of "Shame!" and "Turn him out!"] I am not undertaking to say that these faults of the North, which were brought upon them by the bad example and influence of the South, are all cured; but I do say that they are in a *process* of cure which promises, if unimpeded by foreign influence, to make all such odious distinctions vanish. . . .

. . . Let us compare the condition of the negro in the North and the South, and that will tell the story. By express law the South takes away from the slave all attributes of manhood, and calls him "chattel," which is another word for "cattle." [*Hear, hear, and hisses.*] No law in any Northern State calls him anything else but a person. [*Applause.*] . . . In the South no colored man can determine [*uproar*]—no colored man can determine in the South where he will work, nor at what he will work; but in the North—except in the great cities, where we are crowded by foreigners—in any country-part, the black man may choose his trade and work at it, and is just as much protected by the laws as any white man in the land. [*Applause.*] I speak with authority on this point. [*Cries of "No."*] When I was twelve years old, my father hired Charles Smith, a man as black as lampblack, to work on his farm. I slept in the same room with him. [*"Oh, oh."*] Ah, that doesn't suit you. [*Uproar.*] Now, you see, the South comes out. [*Loud laughter.*] I ate with him at the same table; I sang with him out of the same hymn-book [*"Good"*]; I cried when he prayed over me at night; and if I had serious impressions of religion early in life, they were due to the fidelity and example of that poor humble farm laborer, black Charles Smith. [*Tremendous uproar and cheers.*] In the South, no matter what injury a colored man may receive, he is not allowed to appear in court nor to testify against a white man. [*A voice, "That's a fact."*] In every single court of the North a respectable colored man is as good a witness as if his face were white

as an angel's robe. [*Applause and laughter.*] I ask any truthful and considerate man whether, in this contrast, it does not appear that, though faults may yet linger in the North uneradicated, the state of the negro in the North is immeasurably better than anywhere in the South? [*Applause.*] . . .

There is another fact that I wish to allude to—not for the sake of reproach or blame, but by way of claiming your more lenient consideration—and that is, that slavery was entailed upon us by your action. [*Hear, hear!*] Against the earnest protests of the colonists the then government of Great Britain—I will concede not knowing what were the mischiefs—ignorantly, but in point of fact, forced slave traffic on the unwilling colonists. [*Great uproar, in the midst of which one individual was lifted up and carried out of the room amid cheers and hisses.*]

I was going to ask you, suppose a child was born with hereditary disease; suppose this disease was entailed upon him by parents who had contracted it by their own misconduct,—would it be fair that those parents, that had brought into the world the diseased child, should rail at that child because it was diseased? [*"No, no!"*] Would not the child have a right to turn round and say: "Father, it was your fault that I had it, and you ought to be pleased to be patient with my deficiencies"? [*Applause and hisses, and cries of "Order!" Great interruption and great disturbance here took place on the right of the platform. The interruption continued until another person was carried out of the hall. Mr. Beecher continucd:*] I do not ask that you should justify slavery in us, because it was wrong in you two hundred years ago; but having ignorantly been the means of fixing it upon us, now that we are struggling with mortal struggles to free ourselves from it, we have a right to your tolerance, your patience, and charitable constructions. . . .

Ladies and gentlemen, I have finished the exposition of this troubled subject. [*Renewed and continued interrup-*

tion.] No man can unveil the future; no man can tell what revolutions are about to break upon the world; no man can tell what destiny belongs to France, nor to any of the European powers; but one thing is certain, that in the exigencies of the future there will be combinations and recombinations, and that those nations that are of the same faith, the same blood, and the same substantial interests, ought not to be alienated from each other, but ought to stand together. [*Immense cheering and hisses.*] I do not say that you ought not to be in the most friendly alliance with France or with Germany; but I do say that your own children, the offspring of England, ought to be nearer to you than any people of strange tongue. [*A voice: "Degenerate sons," applause and hisses; another voice: "What about the 'Trent'?"*] If there had been any feelings of bitterness in America, let me tell you that they had been excited, rightly or wrongly, under the impression that Great Britain was going to intervene between us and our own lawful struggle. [*A voice—"No!" and applause.*] With the evidence that there is no such intention, all bitter feelings will pass away. [*Applause.*] We do not agree with the recent doctrine of neutrality as a question of law. But it is past, and we are not disposed to raise that question. We accept it now as a fact, and we say that the utterance of Lord Russell at Blairgowrie [*applause, hisses, and a voice: "What about Lord Brougham?"*], together with the declaration of the Government in stopping war-steamers here [*great uproar, and applause*] has gone far toward quieting every fear and removing every apprehension from our minds. [*Uproar and shouts of applause.*] And now in the future it is the work of every good man and patriot not to create divisions, but to do the things that will make for peace. [*"Oh, oh!" and laughter.*] On our part it shall be done. [*Applause and hisses, and "No, no!"*] On your part it ought to be done; and when in any of the convulsions that come upon the world, Great Britain finds herself struggling single-handed against the gigantic powers that spread oppression and darkness [*applause,*

hisses, and uproar], there ought to be such cordiality that she can turn and say to her first-born and most illustrious child, "Come!" [*"Hear, hear!" applause, tremendous cheers and uproar.*] I will not say that England can not again, as hitherto, single-handed, manage any power [*applause and uproar*], but I will say that England and America together for religion and liberty [*A voice: "Soap, soap," uproar and great applause*], are a match for the world. [*Applause; a voice: "They don't want any more soft soap."*]

Now, gentlemen and ladies [*A voice: "Sam Slick"; and another voice: "Ladies and gentlemen, if you please"*], when I came I was asked whether I would answer questions, and I very readily consented to do so, as I had in other places; but I will tell you it was because I expected to have the opportunity of speaking with some sort of ease and quiet. [*A voice: "So you have."*] I have for an hour and a half spoken against a storm [*"Hear, hear!"*], and you yourselves are witnesses that, by the interruption, I have been obliged to strive with my voice, so that I no longer have the power to control it in the face of this assembly. [*Applause.*] And although I am in spirit perfectly willing to answer any question, and more than glad of the chance, yet I am by this very unnecessary opposition to-night incapacitated physically from doing it. . . .

[Mr. Beecher, nevertheless, did answer amid noisy interruptions three questions, presented in writing, concerning the rights of negroes in his church in Brooklyn, the part played by the tariff in Lincoln's election, and the right of negroes to ride in public vehicles in New York city. In spite of hisses, groans and cat-calls, a vote of thanks to Mr. Beecher, proposed by the managers of the meeting, was carried with loud and prolonged cheering.]

27. ABRAHAM LINCOLN, of Illinois.—GETTYSBURG ADDRESS

(Delivered at Gettysburg, Pa., November 19, 1863.)

The year 1863 was the decisive year of the war. On January 1st President Lincoln issued his final emancipation proclamation; on July 4th General Grant received the surrender of Vicksburg, thus opening the Mississippi river and isolating the main States of the Confederacy from the Southwest; and on July 1st to 3d General Meade defeated Lee at Gettysburg in the greatest battle of the Civil War, and destroyed the last chance of the Confederates to invade the North in force.

Lee's retreat following the battle of Gettysburg, and Meade's pursuit of him, left thousands of dead to be buried by the Pennsylvania authorities; and Governor Curtin proposed to the Governors of the other sixteen States whose troops were engaged, that a portion of the field of battle be acquired and used as a national cemetery. The proposal met with hearty approval, and was carried out. The date set for the formal dedication of the cemetery was November 19th. Hon. Edward Everett was chosen as the orator for the occasion; and, in addition, President Lincoln as the Chief Executive of the nation was invited to "formally set apart these grounds to their sacred use by a few appropriate remarks." The invitation was accepted, and on the 18th Lincoln left Washington for Gettysburg by a special train. On the 19th a great procession was formed and

marched with military music to the new cemetery, where the program was carried out as arranged.

Mr. Everett was at this time in the height of his great powers; he had served ten years in Congress, been minister to England, Secretary of State under President Fillmore, United States Senator, and nominee of the Constitutional Union party in 1860 for Vice-President. The speech which he delivered was worthy alike of his fame and of the occasion. He discussed at length the battle, the origin and character of the war, and the object and consequences of the victory. For two hours he held his audience spellbound.

Then President Lincoln arose—before an audience of flagging attention and following one of the greatest orators of the day—to utter the formal dedication. What was expected to be a mere perfunctory utterance proved to be the vital heart of the occasion. "Then and there," say Lincoln's biographers, "the President pronounced an address so pertinent, so brief yet so comprehensive, so terse, so eloquent, linking the deeds of the present to the thoughts of the future, with simple words, in such living, original, yet exquisitely molded maxim-like phrases, that the best critics have awarded it an unquestioned rank as one of the world's masterpieces of rhetorical art." (Nicolay and Hay, *Abraham Lincoln*, VIII, pp. 201-2.) Well might Mr. Everett write to Lincoln next day, "I should be glad if I could flatter myself that I came as near to the central idea of the occasion in two hours as you did in two minutes."

The preparation of Lincoln's address must have been a matter of considerable thought with him. A part of it was written before leaving Washington; but the latter half, it seems, was written out by the President, with the stub end of a lead pencil, on the crowded train which bore him to Gettysburg.

[Abraham Lincoln, at Gettysburg, Pa., November 15, 1863.]

FOURSCORE and seven years ago our fathers brought forth upon this continent a new nation, conceived in liberty, and dedicated to the proposition that all men are created equal. Now we are engaged in a great civil war, testing whether that nation, or any nation so conceived and so dedicated, can long endure. We are met on a great battle-field of that war. We have come to dedicate a portion of that field as a final resting-place for those who here gave their lives that that nation might live. It is altogether fitting and proper that we should do this. But in a larger sense we can not dedicate, we can not consecrate, we can not hallow this ground. The brave men, living and dead, who struggled here, have consecrated it far above our power to add or detract. The world will little note, nor long remember, what we say here; but it can never forget what they did here. It is for us, the living, rather to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced. It is rather for us to be here dedicated to the great task remaining before us, that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion; that we here highly resolve that these dead shall not have died in vain; that this nation, under God, shall have a new birth of freedom, and that government of the people, by the people, and for the people, shall not perish from the earth.

28. ABRAHAM LINCOLN, of Illinois.—SECOND INAUGURAL ADDRESS

(Delivered at Washington, March 4, 1865.)

By March, 1865, it was evident that the war was nearing its end. Grant had justified his appointment as lieutenant-general in command of all the armies in the field (March, 1864) by doggedly forcing the Army of the Potomac to the vicinity of Richmond, where he was then slowly loosening Lee's hold upon Petersburg and the Confederate capital. Sherman meanwhile had, with Grant's consent, pushed from Chattanooga to Atlanta, and "from Atlanta to the sea" (November-December, 1864), wounding the Confederacy in its very heart. In spite of discouraging opposition within the Republican party, Lincoln had been triumphantly renominated and re-elected to the Presidency. Already his mind was busy with generous plans for that reconstruction of the Union which must follow the inevitable collapse and surrender of the Confederate forces.

It was in these circumstances that Lincoln composed and delivered his second inaugural address,—a document which Mr. Rhodes calls "the greatest of presidential inaugurals, one of the noblest of state papers." Lincoln himself, whose judgment was biased by no petty vanity of authorship, spoke of it in these terms: "I expect it to wear as well as —perhaps better than—anything I have produced; but I believe it is not immediately popular. Men are not flattered by being shown that there has been a difference of purpose between the Almighty and them. . . . It is a

truth which I thought needed to be told; and as whatever of humiliation there is in it falls most directly on myself, I thought others might afford for me to tell it." (Morse, *Abraham Lincoln,* II, pp. 314-15.)

[Abraham Lincoln, at Washington, March 4, 1865.]

FELLOW Countrymen: At this second appearing to take the oath of the Presidential office, there is less occasion for an extended address than there was at the first. Then a statement somewhat in detail of a course to be pursued seemed very fitting and proper. Now, at the expiration of four years, during which public declarations have been constantly called forth on every point and phase of the great contest which still absorbs the attention and engrosses the energies of the nation, little that is new could be presented.

The progress of our arms, upon which all else chiefly depends, is as well known to the public as to myself; and it is, I trust, reasonably satisfactory and encouraging to all. With high hope for the future, no prediction in regard to it is ventured.

On the occasion corresponding to this, four years ago, all thoughts were anxiously directed to an impending civil war. All dreaded it; all sought to avoid it. While the inaugural address was being delivered from this place, devoted altogether to saving the Union without war, insurgent agents were in the city seeking to destroy it without war—seeking to dissolve the Union and divide the effects by negotiation. Both parties deprecated war; but one of them would make war rather than let the nation survive, and the other would accept war rather than let it perish; and the war came.

One-eighth of the whole population were colored slaves, not distributed generally over the Union, but localized in the southern part of it. These slaves constituted a peculiar and powerful interest. All knew that this interest was somehow

the cause of the war. To strengthen, perpetuate, and extend this interest, was the object for which the insurgents would rend the Union even by war, while the Government claimed no right to do more than to restrict the territorial enlargement of it.

Neither party expected for the war the magnitude or the duration which it has already attained. Neither anticipated that the cause of the conflict might cease with, or even before, the conflict itself should cease. Each looked for an easier triumph, and a result less fundamental and astounding.

Both read the same Bible and pray to the same God, and each invokes His aid against the other. It may seem strange that any men should dare to ask a just God's assistance in wringing their bread from the sweat of other men's faces; but let us judge not, that we be not judged. The prayers of both could not be answered. That of neither has been answered fully.

The Almighty has His own purposes. "Woe unto the world because of offenses! for it must needs be that offenses come; but woe to that man by whom the offense cometh." If we shall suppose that American slavery is one of these offenses which in the providence of God must needs come, but which having continued through His appointed time He now wills to remove, and that He gives to both North and South this terrible war as the woe due to those by whom the offense came, shall we discern therein any departure from those divine attributes which the believers in a living God always ascribe to him? Fondly do we hope,—fervently do we pray,—that this mighty scourge of war may soon pass away. Yet, if God wills that it continue until all the wealth piled by the bondsman's two hundred and fifty years of unrequited toil shall be sunk, and until every drop of blood drawn with the lash shall be paid with another drawn with the sword,—as was said three thousand years ago, so still it must be said, "The judgments of the Lord are true and righteous altogether."

With malice toward none; with charity for all; with firmness in the right as God gives us to see the right,—let us strive on to finish the work we are in; to bind up the Nation's wounds; to care for him who shall have borne the battle, and for his widow and orphans; to do all which may achieve and cherish a just and a lasting peace among ourselves, and with all nations.

29. ANDREW JOHNSON, of Tennessee.—PRESIDENTIAL PLAN OF RECONSTRUCTION

(Message to Congress, December 4, 1865.)

Four distinct theories of political Reconstruction, besides minor variations, were put forward during and following the Civil War.

(1) The theory of "Restoration" was insisted upon especially by the Democrats, who demanded that the seceded States be restored at the end of the war to their constitutional rights, less slavery. On their side they had joint resolutions of Congress, adopted in 1861, declaring that the war was prosecuted "to preserve the Union with all the dignity, equality, and rights of the several States unimpaired;" and they could also appeal to various acts of both houses of Congress recognizing loyal State governments organized in seceded States. As Representative George H. Pendleton of Ohio stated it (May 4, 1864): "Acts of secession are not *invalid* to destroy the Union, and yet *valid* to destroy the State governments and the political privileges of their citizens."

(2) The "Presidential" theory was put forth by Lin-

Andrew Johnson. Born in North Carolina, 1808; left an orphan at the age of four, apprenticed to a tailor at the age of ten, and learned to read and write only after attaining manhood; settled at Greenville, Tenn., 1826; elected to Tennessee legislature in 1835 and 1839, and to the State Senate in 1841; Democratic member of Congress, 1843-53; Governor of Tennessee, 1853-57; in U. S. Senate, 1857-62, where he showed pronounced Unionist sentiment; appointed military governor of Tennessee by President Lincoln, 1862; elected Vice-President with Lincoln on Union party ticket, 1864; President, 1865-69; impeached but acquitted, 1868; elected to U. S. Senate, 1875; died, 1875.

coln in 1863, and was acted upon by Andrew Johnson when he succeeded to the presidential office following Lincoln's assassination (April 15, 1865). This theory placed in the President's hands the right to decide when the seceded States had given sufficient evidence of repentance to be restored to their rights in the Union, but recognized that the right of admission of Senators and Representatives belonged to the separate houses of Congress. It did not provide, moreover, for negro suffrage, and gave Congress no participation in reconstruction aside from that stated.

(3) Senator Sumner's theory was that of "State suicide." It held that the ordinances of secession were virtually an abdication by the seceding States of all their rights under the Constitution, though the ordinances could not carry them out of the Union; that thenceforth these States held the status of Territories, and Congress had exclusive jurisdiction over them. He proposed also to extend the suffrage to the former slaves.

(4) Senator Thaddeus Stevens of Pennsylvania advanced the most radical theory of all, which may be called the "conquered provinces" theory. He held that the seceding States had repudiated the Constitution; that they were thereby "estopped" (to use a legal phrase) from pleading it against any action taken by their conquerors; and that Congress had unlimited powers in dealing with them. He would not only insist upon negro suffrage, but in a speech at Lancaster, Pa. (September, 1865), he proposed the confiscation of most of the land of the "rebels," from which every freedman was to receive forty acres, the remainder (estimated at three and one-half billion dollars) to be used in paying off the national debt.

The selection which follows comprises those portions of President Johnson's first message to Congress which dealt with Reconstruction. Its excellent tenor and style, and the

conciliatory attitude here shown toward Congress, made a good impression, but did not disarm the hostility of Sumner and Stevens toward the President's policy. In the end, they were able to carry Congress and the country with them. This was unfortunate, for the sober judgment of history coincides with that of Senator Sherman, who wrote (*Recollections,* I, p. 361): "After this long lapse of time, I am convinced that Mr. Johnson's scheme of reorganization was wise and judicious. It was unfortunate that it had not the sanction of Congress, and that events soon brought the President and Congress into conflict."

As is often the case with presidential messages, the actual composition of this important document was not the work of the President himself. The secret was long successfully kept, but recent investigation among the Johnson manuscripts in the Library of Congress conclusively shows (see *American Historical Review,* April, 1906) that the real author was the veteran historian, George Bancroft, who, like President Johnson himself, was a life-long Democrat and an ardent Unionist.

[Andrew Johnson, message to Congress, December 4, 1865.]

FELLOW Citizens of the Senate and House of Representatives: To express gratitude to God in the name of the people for the preservation of the United States is my first duty in addressing you. Our thoughts next revert to the death of the late President by an act of parricidal treason. The grief of the nation is still fresh. It finds some solace in the consideration that he lived to enjoy the highest proof of its confidence by entering on the renewed term of the Chief Magistracy to which he had been elected; that he brought the Civil War substantially to a close; that his loss was deplored in all parts of the Union, and that foreign nations have rendered justice to

his memory. His removal cast upon me a heavier weight of cares than ever devolved upon any one of his predecessors. To fulfill my trust I need the support and confidence of all who are associated with me in the various departments of government and the support and confidence of the people. There is but one way in which I can hope to gain their necessary aid. It is to state with frankness the principles which guide my conduct, and their application to the present state of affairs, well aware that the efficiency of my labors will in a great measure depend on your and their undivided approbation.

The Union of the United States of America was intended by its authors to last as long as the States themselves shall last. "The Union shall be perpetual" are the words of the Confederation. "To form a more perfect Union," by an ordinance of the people of the United States, is the declared purpose of the Constitution. . . . The Constitution to which life was thus imparted contains within itself ample resources for its own preservation. It has power to enforce the laws, punish treason, and insure domestic tranquillity. In case of the usurpation of the government of a State by one man or an oligarchy, it becomes a duty of the United States to make good the guaranty to that State of a republican form of government, and so to maintain the homogeneousness of all. . . . No room is allowed even for the thought of a possibility of its coming to an end. . . . The Constitution is the work of "the people of the United States," and it should be as indestructible as the people. . . .

The maintenance of the Union brings with it "the support of the State governments in all their rights," but it is not one of the rights of any State government to renounce its own place in the Union or to nullify the laws of the Union. . . .

States, with proper limitations of power, are essential to the existence of the Constitution of the United States. At the very commencement, when we assumed a place among

the powers of the earth, the Declaration of Independence was adopted by States; so also were the Articles of Confederation; and when "the people of the United States" ordained and established the Constitution it was the assent of the States, one by one, which gave it vitality. In the event, too, of any amendment to the Constitution, the proposition of Congress needs the confirmation of States. Without States one great branch of the legislative government would be wanting. And if we look beyond the letter of the Constitution to the character of our country, its capacity for comprehending within its jurisdiction a vast continental empire is due to the system of States. The best security for the perpetual existence of the States is the "supreme authority" of the Constitution of the United States. The perpetuity of the Constitution brings with it the perpetuity of the States; their mutual relation makes us what we are, and in our political system their connection is indissoluble. The whole can not exist without the parts, nor the parts without the whole. So long as the Constitution of the United States endures, the States will endure. The destruction of the one is the destruction of the other; the preservation of the one is the preservation of the other.

I have thus explained my views of the mutual relations of the Constitution and the States, because they unfold the principles on which I have sought to solve the momentous questions and overcome the appalling difficulties that met me at the very commencement of my administration. It has been my steadfast object to escape from the sway of momentary passions and to derive a healing policy from the fundamental and unchanging principles of the Constitution.

I found the States suffering from the effects of a civil war. Resistance to the General Government appeared to have exhausted itself. The United States had recovered possession of their forts and arsenals, and their armies were in the occupation of every State which had attempted to secede. Whether the territory within the limits of those

States should be held as conquered territory, under military authority emanating from the President as the head of the Army, was the first question that presented itself for decision.

Now military governments, established for an indefinite period, would have offered no security for the early suppression of discontent, would have divided the people into the vanquishers and the vanquished, and would have envenomed hatred rather than have restored affection. Once established, no precise limit to their continuance was conceivable. They would have occasioned an incalculable and exhausting expense. Peaceful emigration to and from that portion of the country is one of the best means that can be thought of for the restoration of harmony, and that emigration would have been prevented; for what emigrant from abroad, what industrious citizen at home, would place himself willingly under military rule? The chief persons who would have followed in the train of the Army would have been dependents on the General Government or men who expected to profit from the miseries of their erring fellow citizens. The powers of patronage and rule which would have been exercised, under the President, over a vast and populous and naturally wealthy region are greater than, unless under extreme necessity, I should be willing to intrust to any one man. They are such as, for myself, I could never, unless on occasions of great emergency, consent to exercise. The willful use of such powers, if continued through a period of years, would have endangered the purity of the general administration and the liberties of the States which remained loyal.

Besides, the policy of military rule over a conquered territory would have implied that the States whose inhabitants may have taken part in the rebellion had by the act of those inhabitants ceased to exist. But the true theory is that all pretended acts of secession were from the beginning null and void. The States can not commit treason nor screen the individual citizens who may have committed treason

any more than they can make valid treaties or engage in lawful commerce with any foreign power. The States attempting to secede placed themselves in a condition where their vitality was impaired, but not extinguished; their functions suspended, but not destroyed.

But if any State neglects or refuses to perform its offices there is the more need that the General Government should maintain all its authority and as soon as practicable resume the exercise of all its functions. On this principle I have acted, and have gradually and quietly, and by almost imperceptible steps, sought to restore the rightful energy of the General Government and of the States. To that end provisional governors have been appointed for the States, conventions called, governors elected, legislatures assembled, and Senators and Representatives chosen to the Congress of the United States. At the same time the courts of the United States, as far as could be done, have been reopened, so that the laws of the United States may be enforced through their agency. The blockade has been removed and the custom-houses re-established in ports of entry, so that the revenue of the United States may be collected. The Post-Office Department renews its ceaseless activity, and the General Government is thereby enabled to communicate promptly with its officers and agents. The courts bring security to persons and property; the opening of the ports invites the restoration of industry and commerce; the post-office renews the facilities of social intercourse and of business. And is it not happy for us all that the restoration of each one of these functions of the General Government brings with it a blessing to the States over which they are extended? Is it not a sure promise of harmony and renewed attachment to the Union that after all that has happened the return of the General Government is known only as a beneficence?

I know very well that this policy is attended with some risk; that for its success it requires at least the acquiescence of the States which it concerns; that it implies an invitation

to those States, by renewing their allegiance to the United States, to resume their functions as States of the Union. But it is a risk that must be taken. In the choice of difficulties it is the smallest risk; and to diminish and if possible to remove all danger, I have felt it incumbent on me to assert one other power of the General Government—the power of pardon. As no State can throw a defense over the crime of treason, the power of pardon is exclusively vested in the executive government of the United States. In exercising that power I have taken every precaution to connect it with the clearest recognition of the binding force of the laws of the United States and an unqualified acknowledgment of the great social change of condition in regard to slavery which has grown out of the war.

The next step which I have taken to restore the constitutional relations of the States has been an invitation to them to participate in the high office of amending the Constitution. Every patriot must wish for a general amnesty at the earliest epoch consistent with public safety. For this great end there is need of a concurrence of all opinions and the spirit of mutual conciliation. All parties in the late terrible conflict must work together in harmony. It is not too much to ask, in the name of the whole people, that on the one side the plan of restoration shall proceed in conformity with a willingness to cast the disorders of the past into oblivion, and that on the other the evidence of sincerity in the future maintenance of the Union shall be put beyond any doubt by the ratification of the proposed amendment to the Constitution, which provides for the abolition of slavery forever within the limits of our country.* So long as the adoption of this amendment is delayed, so long will doubt and jealousy and uncertainty prevail. This is the measure which will efface the sad memory of the past; this is the measure which will most certainly call population and capital and security to those parts of the Union that need them

*The Thirteenth amendment, proposed by Congress, February 1, 1865, and declared in force December 18, 1865.

most. Indeed, it is not too much to ask of the States which are now resuming their places in the family of the Union to give this pledge of perpetual loyalty and peace. Until it is done the past, however much we may desire it, will not be forgotten. The adoption of the amendment reunites us beyond all power of disruption; it heals the wound that is still imperfectly closed; it removes slavery, the element which has so long perplexed and divided the country; it makes of us once more a united people, renewed and strengthened, bound more than ever to mutual affection and support.

The amendment of the Constitution being adopted, it would remain for the States whose powers have been so long in abeyance to resume their places in the two branches of the National Legislature, and thereby complete the work of restoration. Here it is for you, fellow citizens of the Senate, and for you, fellow citizens of the House of Representatives, to judge, each for yourselves, of the elections, returns, and qualifications of your own members.

The full assertion of the powers of the General Government requires the holding of circuit courts of the United States within the districts where their authority has been interrupted. In the present posture of our public affairs strong objections have been urged to holding those courts in any of the States where the rebellion has existed; and it was ascertained by inquiry that the circuit court of the United States would not be held within the district of Virginia during the autumn or early winter, nor until Congress should have "an opportunity to consider and act on the whole subject." To your deliberations the restoration of this branch of the civil authority of the United States is therefore necessarily referred, with the hope that early provisions will be made for the resumption of all its functions. It is manifest that treason, most flagrant in character, has been committed. Persons who are charged with its commission should have fair and impartial trials in the highest civil tribunals of the country, in order that the Con-

stitution and the laws may be fully vindicated, the truth clearly established and affirmed that treason is a crime, that traitors should be punished and the offense made infamous, and, at the same time, that the question may be judicially settled, finally and forever, that no State of its own will has the right to renounce its place in the Union.

The relations of the General Government toward the four million inhabitants whom the war has called into freedom have engaged my most serious consideration. On the propriety of attempting to make the freedmen electors by the proclamation of the Executive, I took for my counsel the Constitution itself, the interpretations of that instrument by its authors and their contemporaries, and recent legislation by Congress. When, at the first movement toward independence, the Congress of the United States instructed the several States to institute governments of their own, they left each State to decide for itself the conditions for the enjoyment of the elective franchise. During the period of the Confederacy there continued to exist a very great diversity in the qualifications of electors in the several States, and even within a State a distinction of qualifications prevailed with regard to the officers who were to be chosen. The Constitution of the United States recognizes these diversities when it enjoins that in the choice of members of the House of Representatives of the United States "the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature." After the formation of the Constitution it remained, as before, the uniform usage for each State to enlarge the body of its electors according to its own judgment; and under this system one State after another has proceeded to increase the number of its electors, until now universal suffrage, or something very near it, is the general rule. So fixed was this reservation of power in the habits of the people and so unquestioned has been the interpretation of the Constitution, that during the civil war the late President never harbored the purpose—cer-

tainly never avowed the purpose—of disregarding it; and in the acts of Congress during that period nothing can be found which, during the continuance of hostilities, much less after their close, would have sanctioned any departure by the Executive from a policy which has so uniformly obtained. Moreover, a concession of the elective franchise to the freedmen by act of the President of the United States must have been extended to all colored men, wherever found, and so must have established a change of suffrage in the Northern, Middle, and Western States, not less than in the Southern and Southwestern. Such an act would have created a new class of voters, and would have been an assumption of power by the President which nothing in the Constitution or laws of the United States would have warranted.

On the other hand, every danger of conflict is avoided when the settlement of the question is referred to the several States. They can, each for itself, decide on the measure, and whether it is to be adopted at once and absolutely or introduced gradually and with conditions. In my judgment the freedmen, if they show patience and manly virtues, will sooner obtain a participation in the elective franchise through the States than through the General Government, even if it had power to intervene. When the tumult of emotions that have been raised by the suddenness of the social change shall have subsided, it may prove that they will receive the kindest usage from some of those on whom they have heretofore most closely depended.

But while I have no doubt that now, after the close of the war, it is not competent for the General Government to extend the elective franchise in the several States, it is equally clear that good faith requires the security of the freedmen in their liberty and their property, their right to labor, and their right to claim the just return of their labor. I can not too strongly urge a dispassionate treatment of this subject, which should be carefully kept aloof from all party strife. We must equally avoid hasty as-

sumptions of any natural impossibility for the two races to live side by side in a state of mutual benefit and good will. The experiment involves us in no inconsistency; let us, then, go on and make that experiment in good faith, and not be too easily disheartened. The country is in need of labor, and the freedmen are in need of employment, culture, and protection. While their right of voluntary migration and expatriation is not to be questioned, I would not advise their forced removal and colonization. Let us rather encourage them to honorable and useful industry, where it may be beneficial to themselves and to the country; and, instead of hasty anticipations of the certainty of failure, let there be nothing wanting to the fair trial of the experiment. The change in their condition is the substitution of labor by contract for the status of slavery. The freedmen can not fairly be accused of unwillingness to work so long as a doubt remains about his freedom of choice in his pursuits and the certainty of his recovering his stipulated wages. In this the interests of the employer and the employed coincide. The employer desires in his workmen spirit and alacrity, and these can be permanently secured in no other way. And if the one ought to be able to enforce the contract, so ought the other. The public interest will be best promoted if the several States will provide adequate protection and remedies for the freedmen. Until this is in some way accomplished there is no chance for the advantageous use of their labor, and the blame of ill success will not rest on them.

I know that sincere philanthropy is earnest for the immediate realization of its remotest aims, but time is always an element in reform. It is one of the greatest acts on record to have brought four million people into freedom. The career of free industry must be fairly opened to them, and then their future prosperity and condition must, after all, rest mainly on themselves. If they fail, and so perish away, let us be careful that the failure shall not be attributable to any denial of justice. In all that relates to the destiny of

the freedmen we need not be too anxious to read the future; many incidents which, from a speculative point of view, might raise alarm will quietly settle themselves.

Now that slavery is at an end, or near its end, the greatness of its evil in the point of view of public economy becomes more and more apparent. Slavery was essentially a monopoly of labor, and as such locked the States where it prevailed against the incoming of free industry. Where labor was the property of the capitalist, the white man was excluded from employment, or had but the second best chance of finding it; and the foreign emigrant turned away from the region where his condition would be so precarious. With the destruction of the monopoly, free labor will hasten from all parts of the civilized world to assist in developing various and immeasurable resources which have hitherto lain dormant. The eight or nine States nearest the Gulf of Mexico have a soil of exuberant fertility, a climate friendly to long life, and can sustain a denser population than is found as yet in any part of our country. And the future influx of population to them will be mainly from the North or from the most cultivated nations in Europe. From the sufferings that have attended them during our late struggle let us look away to the future, which is sure to be laden for them with greater prosperity than has ever before been known. The removal of the monopoly of slave labor is a pledge that those regions will be peopled by a numerous and enterprising population, which will vie with any in the Union in compactness, inventive genius, wealth, and industry. . . .

30. THADDEUS STEVENS, of Pennsylvania.—RADICAL VIEW OF RECONSTRUCTION

(Delivered in the U. S. House of Representatives, January 3, 1867.)

President Johnson, proceeding along the lines indicated in the foregoing message, sought to punish only the persons chiefly responsible for the rebellion, while restoring the seceded States to their rights as soon as they formed loyal State governments. Congress, however, refused to admit the Senators and Representatives which these States chose. The radicals in Congress were strengthened in their position by the action of the provisional governments in enacting statutes concerning "vagrancy" and "labor contracts" which seemed designed to keep the negro in a permanent state of subjection, and also by the rejection of the Fourteenth Amendment by all the Southern States except Tennessee (1866). Meanwhile, open warfare broke out between the President and Congress over Johnson's veto of the Civil Rights Act and other radical measures. In 1867 Congress prepared openly to take charge of the whole work of Reconstruction. The result was the passage (March 2), over the President's veto, of the First Reconstruction Act, which (1) practically superseded Johnson's provisional governments, by dividing the late Confederate States into five military districts, each under the rule of a general of the

Thaddeus Stevens. Born in Vermont, 1792; graduated from Dartmouth College, 1814; admitted to Maryland bar, and removed to Gettysburg, Pa., 1816; in Pennsylvania legislature, 1833–35, 1837–38, 1841, especially championing the cause of common school education; member of the State Constitutional Convention, 1836, where he labored to secure the franchise for negroes; in Congress 1849–53 as a Whig, and 1859–68 as a Republican; died, 1868.

army, and (2) conditioned the admission of representatives in Congress from these States upon the adoption of constitutions containing negro enfranchisement, disfranchisement of the former political leaders of the South, and the adoption of the Fourteenth Amendment.

The historian Rhodes considers the refusal of Congress to adopt the President's policy as due to "the assertion by Congress of its prerogative, a disposition on the part of the Southern States to claim rights instead of submitting to conditions, harsh laws of the Southern legislatures concerning the freedmen, denial by them of complete civil rights and qualified suffrage to the negroes, outrages upon the colored people, Southern hatred of Northerners, Southern and Democratic support of the President." (*History of the United States from 1850,* V, p. 565.)

The unquestioned leader of the radicals in the lower house was Thaddeus Stevens of Pennsylvania. In spite of his seventy-odd years, he was a powerful debater; and he was a true patriot and philanthropist, in spite of his fierce and bigoted partisanship. The speech which follows was delivered at an early stage of the discussion which led eventually to the passage of the First Reconstruction Act. It represents a point of view more radical than that which Congress embodied in that measure, or which was generally approved by Republicans. It should be noted that the main contention of Stevens,—that the States which seceded had perished and were now conquered provinces to be administered at pleasure by the conquerors,—was rejected by the United States Supreme Court in 1868 in Texas *vs.* White. The court held that the States as political organizations were indestructible, but that their temporary exclusion from Congress was justifiable under the clause of the Constitution which guarantees to every State "a republican form of government."

[Thaddeus Stevens, in the U. S. House of Representatives, January 3, 1867.]

MR. SPEAKER: . . . I desire that as early as possible, without curtailing debate, this House shall come to some conclusion as to what shall be done with the rebel States. . . .

Since the surrender of the armies of the Confederate States of America a little has been done toward establishing this government upon the true principles of liberty and justice; and but little if we stop here. We have broken the material shackles of four million slaves. We have unchained them from the stake so as to allow them locomotion, provided they do not walk in paths which are trod by white men. . . . We have imposed upon them the privilege of fighting our battles, of dying in defense of freedom, and of bearing their equal portion of taxes; but where have we given them the privilege of ever participating in the formation of the laws for the government of their native land? . . . Call you this liberty? . . . Think not I would slander my native land; I would reform it. Twenty years ago I denounced it as a despotism. Then, twenty million white men enchained four million black men. I pronounce it no nearer to a true republic now when twenty-five million of a privileged class exclude five million from all participation in the rights of government.

What are the great questions which now divide the nation? In the midst of the political Babel which has been produced by the intermingling of secessionists, rebels, pardoned traitors, hissing Copperheads, and apostate Republicans, such a confusion of tongues is heard that it is difficult to understand either the questions that are asked or the answers that are given. Ask, what is the "President's policy?" and it is difficult to define it. Ask, what is the "policy of Congress?" and the answer is not always at hand.

A few moments may be profitably spent in seeking the meaning of these terms. Nearly six years ago a bloody war arose between different sections of the United States.

Eleven States, possessing a very large extent of territory, and ten or twelve million people, aimed to sever their connection with the Union, and to form an independent empire, founded on the avowed principle of human slavery and excluding every free State from this Confederacy. . . . On the result of the war depended the fate and ulterior condition of the contending parties. No one then pretended that the eleven States had any rights under the Constitution of the United States, or any right to interfere in the legislation of the country. . . .

The Federal arms triumphed. The Confederate armies and government surrendered unconditionally. The law of nations then fixed their condition. They were subject to the controlling power of the conquerors. No former laws, no former compacts or treaties existed to bind the belligerents. They had all been melted and consumed in the fierce fires of the terrible war. The United States, according to the usage of nations, appointed military provisional governors to regulate their municipal institutions until the law-making power of the conqueror should fix their condition and the law by which they should be permanently governed. . . . No one then supposed that those States had any governments, except such as they had formed under their rebel organization. No sane man believed that they had any organic municipal laws which the United States were bound to respect. Whoever had then asserted that those States had remained unfractured, and entitled to all the rights and privileges which they enjoyed before the Rebellion, and were on a level with their loyal conquerors, would have been deemed a fool, and would have been found insane by any inquisition *de lunatico inquirendo.*

In monarchical governments, where the sovereign power rests in the Crown, the king would have fixed the condition of the conquered provinces. He might have extended the laws of this empire over them, allowed them to retain portions of their old institutions, or, by conditions of peace, have fixed upon them new and exceptional laws.

In this country the whole sovereignty rests with the people, and is exercised through their representatives in Congress assembled. The legislative power is the sole guardian of that sovereignty. No other branch of the government, no other department, no other officer of the government, possesses one single particle of the sovereignty of the nation. No government official, from the President and Chief Justice down, can do any one act which is not prescribed and directed by the legislative power. Suppose the government were now to be organized for the first time under the Constitution, and the President had been elected and the judiciary appointed: what could either do until Congress passed laws to regulate their proceedings?

What power would the President have over any one subject of government until Congress had legislated on that subject? . . . The President could not even create bureaus or Departments to facilitate his executive operations. He must ask leave of Congress. Since, then, the President can not enact, alter, or modify a single law; can not even create a petty office within his own sphere of duties; if, in short, he is the mere servant of the people, who issue their commands to him through Congress, whence does he derive the constitutional power to create new States; to remodel old ones; to dictate organic laws; to fix the qualifications of voters; to declare that States are republican and entitled to command Congress to admit their representatives? To my mind it is either the most ignorant and shallow mistake of his duties, or the most brazen and impudent usurpation of power. It is claimed for him by some as the Commander-in-Chief of the Army and Navy. How absurd that a mere executive officer should claim creative powers! Though Commander-in-Chief by the Constitution, he would have nothing to command, either by land or water, until Congress raised both Army and Navy. Congress prescribes the rules and regulations to govern the Army. Even that is not left to the Commander-in-Chief.

Though the President is Commander-in-Chief, Congress

is his commander; and, God willing, he shall obey. He and his minions shall learn that this is not a government of kings and satraps, but a government of the people, and that Congress is the people. . . .

To reconstruct the nation, to admit new States, to guaranty republican governments to old States, are all legislative acts. The President claims the right to exercise them. Congress denies it and asserts the right to belong to the legislative branch. They have determined to defend these rights against all usurpers. They have determined that while in their keeping the Constitution shall not be violated with impunity. This I take to be the great question between the President and Congress. He claims the right to reconstruct by his own power. Congress denies him all power in the matter, except those of advice, and has determined to maintain such denial. "My [Johnson's] policy" asserts full power in the Executive. The policy of Congress forbids him to exercise any power therein.

Beyond this I do not agree that the "policy" of the parties is defined. To be sure many subordinate items of the policy of each may be easily sketched. . . . He desires that the traitors (having sternly executed that most important leader, Rickety Wirz*, as a high example) should be exempt from further fine, imprisonment, forfeiture, exile, or capital punishment, and be declared entitled to all the rights of loyal citizens. He desires that the States created by him shall be acknowledged as valid States, while at the same time he inconsistently declares that the old rebel States are in full existence, and always have been, and have equal rights with the loyal States. He opposes the amendment [the Fourteenth] to the Constitution which changes the base of representation, and desires the old slave States to have the benefit of their increase of freemen without increasing the number of votes; in short, he desires to make

*Major Henry Wirz, Commander of the Confederate military prison at Andersonville, who was held responsible for the atrocities committed on Federal prisoners there.

the vote of one rebel in South Carolina equal to the vote of three freemen in Pennsylvania or New York. He is determined to force a solid rebel delegation into Congress from the South, and together with Northern Copperheads, could at once control Congress and elect all future Presidents.

In opposition to these things, a portion of Congress seems to desire that the conquered belligerent shall, according to the law of nations, pay at least a part of the expenses and damages of the war; and that especially the loyal people who were plundered and impoverished by rebel raiders shall be fully indemnified. A majority of Congress desires that "treason shall be made odious," not by bloody executions, but by other adequate punishments.

Congress refuses to treat the States created by him as of any validity, and denies that the old rebel States have any existence which gives them any rights under the Constitution. Congress insists on changing the basis of representation so as to put white voters on an equality in both sections, and that such change shall precede the admission of any State. . . . Congress denies that any State lately in rebellion has any government or constitution known to the Constitution of the United States, or which can be recognized as a part of the Union. How, then, can such a State adopt the amendment? To allow it would be yielding the whole question and admitting the unimpaired rights of the seceded States. I know of no Republican who does not ridicule what Mr. Seward thought a cunning movement, in counting Virginia and other outlawed States among those which had adopted the constitutional amendment abolishing slavery.

It is to be regretted that inconsiderate and incautious Republicans should ever have supposed that the slight amendments already proposed to the Constitution, even when incorporated into that instrument, would satisfy the reforms necessary for the security of the government. Unless the rebel States, before admission, should be made republican in spirit, and placed under the guardianship of loyal men,

all our blood and treasure will have been spent in vain. I waive now the question of punishment which, if we are wise, will still be inflicted by moderate confiscations, both as a reproof and example. Having these States, as we all agree, entirely within the power of Congress, it is our duty to take care that no injustice shall remain in their organic laws. Holding them "like clay in the hands of the potter," we must see that no vessel is made for destruction. Having now no governments, they must have enabling acts. The law of the last session with regard to Territories settled the principles of such acts. Impartial suffrage, both in electing the delegates and ratifying their proceedings, is now the fixed rule. There is more reason why colored voters should be admitted in the rebel States than in the Territories. In the States they form the great mass of the loyal men. Possibly with their aid loyal governments may be established in most of these States. Without it all are sure to be ruled by traitors; and loyal men, black and white, will be oppressed, exiled, or murdered. There are several good reasons for the passage of this bill. In the first place, it is just. I am now confining my argument to negro suffrage in the rebel States. Have not loyal blacks quite as good a right to choose rulers and make laws as rebel whites? In the second place, it is a necessity in order to protect the loyal white men in the seceded States. The white Union men are in a great minority in each of those States. With them the blacks would act in a body; and it is believed that in each of said States, except one, the two united would form a majority, control the States, and protect themselves. Now they are the victims of daily murder. They must suffer constant persecution or be exiled. The convention of southern loyalists, lately held in Philadelphia, almost unanimously agreed to such a bill as an absolute necessity.

Another good reason is, it would insure the ascendency of the Union [Republican] party. Do you avow the party purpose? exclaims some horror-stricken demagogue. I do. For I believe, on my conscience, that on the continued as-

cendency of that party depends the safety of this nation. If impartial suffrage is excluded in the rebel States, then every one of them is sure to send a solid rebel representative delegation to Congress, and cast a solid rebel electoral vote. They, with their kindred Copperheads of the North, would always elect the President and control Congress. While slavery sat upon her defiant throne, and insulted and intimidated the trembling North, the South frequently divided on questions of policy between Whigs and Democrats, and gave victory alternately to the sections. Now, you must divide them between loyalists, without regard to color, and disloyalists, or you will be the perpetual vassals of the free-trade, irritated, revengeful South. For these, among other reasons, I am for negro suffrage in every rebel State. If it be just, it should not be denied; if it be necessary, it should be adopted; if it be punishment to traitors, they deserve it.

But it will be said, as it has been said, "This is negro equality!" What is negro equality, about which so much is said by knaves, and some of which is believed by men who are not fools? It means, as understood by honest Republicans, just this much, and no more: every man, no matter what his race or color,—every earthly being who has an immortal soul,—has an equal right to justice, honesty, and fair play with every other man; and the law should secure him those rights. The same law which condemns or acquits an African should condemn or acquit a white man. The same law which gives a verdict in a white man's favor should give a verdict in a black man's favor on the same state of facts. Such is the law of God and such ought to be the law of man. This doctrine does not mean that a negro shall sit on the same seat or eat at the same table with a white man. That is a matter of taste which every man must decide for himself. The law has nothing to do with it. . . .

31. BENJAMIN R. CURTIS, of Massachusetts.—DEFENSE OF PRESIDENT JOHNSON

(Delivered before the Senate of the United States sitting as a Court of Impeachment, April 9 and 10, 1868.)

After more than a year of investigations, discussions, and motions *pro* and *con*, the House of Representatives, on February 24, 1868, voted (128 Republicans to 47 Democrats) to impeach President Johnson of various "high crimes and misdemeanors," which are specified in the eleven articles adopted March 2d and 3d. The nature of the several charges against the President will be evident from the speech in his defense given below. It may be said that the decisive factor in leading Congress to take this action was Johnson's attempt (August 5, 1867) to remove Stanton from the office of Secretary of War in defiance of a Tenure of Office Act passed by Congress over his veto March 2, 1867. The impeachment trial began March 30, with Chief Justice Chase presiding, and continued until May 12th. The first article to be voted on was the eleventh (May 16th), when 35 Senators voted for conviction and 19 for acquittal. On May 26th the second and third articles were voted on, with the same result. Judgment of acquittal was entered on these three articles, and the prosecution was then abandoned. All of the votes for conviction were cast by Republican Senators, while seven Senators of that party,

Benjamin Robbins Curtis. Born in Massachusetts, 1809; graduated from Harvard College, 1829; admitted to the Massachusetts bar, 1832; appointed to the United States Supreme Court, 1851; delivered dissenting opinion in the Dred Scott case; resigned, 1857; Democratic candidate for U. S. Senate, 1874; died, 1874.

in spite of strong party pressure, voted for acquittal. A change of but one vote would have produced the necessary two-thirds majority, and removed the President from office.

The strongest argument on the President's side was made by Benjamin R. Curtis, who as a justice of the Supreme Court had given one of the two dissenting opinions in the Dred Scott case in 1857. "A man of scrupulous honor, he loved his profession for its conservatism and moral power; he had no use for its tricks. . . . He had been a judge of the school of Marshall and Story, and it was a loss to the country when he resigned the position of justice of the United States Supreme Court. But in these two arguments as advocate, he rendered his country as noteworthy service as in 1857, when he dissented from Taney in the Dred Scott case." (Rhodes, *History of the United States from 1850,* VI, 120-1.) Curtis spoke in all for five hours; he did not read his speech, as did Benjamin F. Butler in opening for the prosecution, but did refer to copious notes and authorities. He practically demolished the legal case against the President; and William S. Groesbeck and William M. Evarts, who were associated with him, completed what he left undone. The ablest speech for the prosecution was delivered by Thaddeus Stevens, but this was not to be compared, in mastery of the law and solidity of reasoning, with the speeches delivered for the defense.

[Benjamin R. Curtis, before the Court of Impeachment, April 9 and 10, 1868.]

Mr. Chief Justice: I am here to speak to the Senate of the United States sitting in its judicial capacity as a court of impeachment, presided over by the Chief Justice of the United States, for the trial of the President of the United States. This statement sufficiently characterizes what I have to say. Here party spirit, political schemes, foregone conclusions, outrageous biases can

have no fit operation. The Constitution requires that there should be a "trial"; and, as in that trial the oath which each one of you has taken is to administer "impartial justice according to the Constitution and the laws," the only appeal which I can make in behalf of the President is an appeal to the conscience and the reason of each judge who sits before me. Upon the law and the facts, upon the judicial merits of the case, upon the duties incumbent on that high officer by virtue of his office, and his honest endeavor to discharge those duties, the President rests his defense. And I pray each one of you to listen to me with that patience which belongs to a judge for his own sake, which I can not expect to command by any efforts of mine, while I open to you what that defense is. . . .

I shall make no apology, Senators, for asking your close attention to these articles, one after the other, in manner and form as they are here presented, to ascertain in the first place what are the substantial allegations in each of them, what is the legal operation and effect of those allegations, and what proof is necessary to be adduced in order to sustain them; and I shall begin with the first, not merely because the House of Representatives, in arranging these articles, have placed that first in order, but because the subject-matter of that article is of such a character that it forms the foundation of the first eight articles in the series, and enters materially into two of the remaining three.

. . . Stripped of . . verbiage, it amounts exactly to these things; first, that the order set out in the article for the removal of Mr. Stanton, if executed, would be a violation of the tenure-of-office act; second, that it was a violation of the tenure-of-office act; third, that it was an intentional violation of the tenure-of-office act; fourth, that it was a violation of the Constitution of the United States; and, fifth, was by the President intended to be so. Or, to draw all this into one sentence which yet may be intelligible and clear enough, I suppose the substance of this first article is that the order for the removal of Mr. Stanton was, and was in-

tended to be, a violation of the Constitution of the United States. These are the allegations which it is necessary for the honorable managers to make out in proof, to support that article.

Now, there is a question involved here which enters deeply, as I have already intimated, into the first eight articles in this series, and materially touches two of the others; and to that question I desire in the first place to invite the attention of the court. That question is whether Mr. Stanton's case comes under the tenure-of-office act. If it does not,—if the true construction and effect of the tenure-of-office act, when applied to the facts of his case, exclude it,—then it will be found by honorable Senators, when they come to examine this and the other articles, that a mortal wound has been inflicted upon them by that decision. I must therefore ask your attention to the construction and application of the first section of the tenure-of-office act. It is, as Senators know, but dry work: it requires close, careful attention and reflection; no doubt it will receive them. Allow me, in the first place, to read that section:

"That every person holding any civil office to which he has been appointed by and with the advice and consent of the Senate, and every person who shall hereafter be appointed to any such office, and shall become duly qualified to act therein, is and shall be entitled to hold such office until a successor shall have been in a like manner appointed and duly qualified, except as herein otherwise provided."

Then comes what is "otherwise provided":

"*Provided,* That the Secretaries of State, of the Treasury, of War, of the Navy, and of the Interior, the Postmaster-General, and the Attorney-General, shall hold their offices respectively for and during the term of the President by whom they may have been appointed, and for one month thereafter, subject to removal by and with the advice and consent of the Senate."

. . . . . .

The first inquiry which arises on this language is as to

the meaning of the words "for and during the term of the President." Mr. Stanton, as appears by the commission which has been put into the case by the honorable managers, was appointed in January, 1862, during the first term of President Lincoln. Are these words, "during the term of the President," applicable to Mr. Stanton's case? That depends upon whether an expounder of this law judicially, who finds set down in it as a part of the descriptive words "during the term of the President," has any right to add "and any other term for which he may afterward be elected." By what authority short of legislative power can those words be put into the statute, so that "during the term of the President" shall be held to mean "and any other term or terms for which the President may be elected"? I respectfully submit no such judicial interpretation can be put on the words.

Then, if you please, take the next step. "During the term of the President by whom he was appointed." At the time when this order was issued for the removal of Mr. Stanton, was he holding "during the term of the President by whom he was appointed"? The honorable managers say yes, because, as they say, Mr. Johnson is merely serving out the residue of Mr. Lincoln's term. But is that so under the provisions of the Constitution of the United States? . . . . . The limit of four years [for the presidential term] is not an absolute limit. Death is a limit. A "conditional limitation," as the lawyers call it, is imposed on his tenure of office. And when . . . the President dies, his term of four years for which he was elected, and during which he was to hold, provided he should so long live, terminates, and the office devolves on the Vice-President. For what period of time? For the remainder of the term for which the Vice-President was elected. And there is no more propriety, under these provisions of the Constitution of the United States, in calling the time during which Mr. Johnson holds the office of President, after it was devolved upon him, a part of Mr. Lincoln's term, than there would be pro-

priety in saying that one sovereign who succeeded to another sovereign by death holds a part of his predecessor's term. The term assigned to Mr. Lincoln by the Constitution was conditionally assigned to him. It was to last four years, if not sooner ended; but, if sooner ended by his death, then the office devolved on the Vice-President, and the term of the Vice-President to hold the office then began.

I submit then, that upon this language of the act it is apparent that Mr. Stanton's case can not be considered as within it. This law, however, as Senators very well know, had a purpose: there was a practical object in the view of Congress; and, however clear it might seem that the language of the law when applied to Mr. Stanton's case would exclude that case, however clear it might seem on the mere words of the law, if the purpose of the law could be discerned, and that purpose plainly required a different interpretation, that different interpretation should be given. But, on the other hand, if the purpose in view was one requiring that interpretation to which I have been drawing your attention, then it greatly strengthens the argument; because not only the language of the act itself, but the practical object which the legislature had in view in using that language, demands that interpretation.

Now, there can be no dispute concerning what that purpose was, as I suppose. Here is a peculiar class of officers singled out from all others and brought within this provision. Why is this? It is because the Constitution has provided that these principal officers in the several executive departments may be called upon by the President for advice "respecting"—for that is the language of the Constitution —"their several duties"; not, as I read the Constitution, that he may call upon the Secretary of War for advice concerning questions arising in the Department of War. He may call upon him for advice concerning questions which are a part of the duty of the President, as well as questions which belong only to the Department of War. . . .

The Constitution undoubtedly contemplated that there

should be executive departments created, the heads of which were to assist the President in the administration of the laws as well as by their advice. They were to be the hands and the voice of the President; and accordingly that has been so practiced from the beginning, and the legislation of Congress has been framed on this assumption in the organization of the departments, and emphatically in the act which constituted the Department of War. That provides, as Senators well remember, in so many words, that the Secretary of War is to discharge such duties of a general description there given as shall be assigned to him by the President, and that he is to perform them under the President's instructions and directions.

Let me repeat that the Secretary of War and the other Secretaries, the Postmaster-General, and the Attorney-General, are deemed to be the assistants of the President in the performance of his great duty to take care that the laws are faithfully executed; that they speak for and act for him. Now, do not these two views furnish the reasons why this class of officers was excepted out of the law? They were to be the advisers of the President; they were to be the immediate confidential assistants of the President, for whom he was to be responsible, but in whom he was expected to repose a great amount of trust and confidence; and therefore it was that this act has connected the tenure of office of these Secretaries to which it applies with the President by whom they were appointed. It says, in the description which the act gives of the future tenure of office of Secretaries, that a controlling regard is to be had to the fact that the Secretary whose tenure is to be regulated was appointed by some particular President, and during the term of that President he shall continue to hold his office; but as for Secretaries who are in office, not appointed by the President, we have nothing to say: we leave them as they heretofore have been. I submit to Senators that this is the natural, and, having regard to the character of these officers, the necessary conclusion: that the tenure of office of a Sec-

retary here described is a tenure during the term of service of the President by whom he was appointed; that it was not the intention of Congress to compel a President of the United States to continue in office a Secretary not appointed by himself.

We have, however, fortunately, not only the means of interpreting this law which I have alluded to,—namely, the language of the act, the evident character and purpose of the act,—but we have decisive evidence of what was intended and understood to be the meaning and effect of this law in each branch of Congress at the time when it was passed. . . . In this body [the Senate], as I have said, a considerable debate sprang up. . . . I think the whole of it may fairly be summed up in this statement: that it was charged by one of the honorable Senators from Wisconsin that it was the intention of those who favored this bill to keep in office Mr. Stanton and certain other Secretaries. That was directly met by the honorable Senator from Ohio —one of the members of the committee of conference—by this statement:

". . . . We do not legislate in order to keep in the Secretary of War, the Secretary of the Navy, or the Secretary of State. . . .

"That the Senate had no such purpose is shown by its vote twice to make this exception. That this provision does not apply to the present case is shown by the fact that its language is so framed as not to apply to the present President. The Senator shows that himself, and argues truly that it would not prevent the present President from removing the Secretary of War, the Secretary of the Navy, and the Secretary of State. And if I supposed that either of these gentlemen was so wanting in manhood, in honor, as to hold his place after the politest intimation by the President of the United States that his services were no longer needed, I certainly, as a Senator, would consent to his removal at any time, and so would we all."

. . . And now I ask the Senate—looking at the language of this law, looking at its purpose, looking at the circumstances under which it was passed, the meaning thus attached to it by each of the bodies which consented to it—whether it is possible to hold that Mr. Stanton's case is within the scope of that tenure-of-office act? I submit it is not possible.

. . . . . .

But this article, as Senators will perceive on looking at it, does not allege simply that the order for the removal of Mr. Stanton was a violation of the tenure-of-office act. The honorable House of Representatives have not, by this article, attempted to erect a mistake into a crime. I have been arguing to you at considerable length, no doubt trying your patience thereby, the construction of that tenure-of-office law. I have a clear idea of what its construction ought to be. Senators, more or less of them who have listened to me, may have a different view of its construction; but I think they will in all candor admit that there is a question of construction: there is a question of what the meaning of this law was,—a question whether it was applicable to Mr. Stanton's case,—a very honest and solid question which any man could entertain; and therefore, I repeat, it is important to observe that the honorable House of Representatives have not, by this article, endeavored to charge the President with a high misdemeanor because he had been honestly mistaken in construing that law. They go further, and take the necessary step. They charge him with intentionally misconstruing it: they say, "Which order was unlawfully issued with intention then and there to violate said act." So that, in order to maintain the substance of this article, without which it was not designed by the House of Representatives to stand, and can not stand, it is necessary for them to show that the President wilfully misconstrued this law; that having reason to believe, and actually believing, after the use of due inquiry, that Mr. Stanton's case was within the law,

he acted as if it was not within the law. That is the substance of the charge.

What of the proof in support of that allegation offered by the honorable managers? Senators must undoubtedly be familiar with the fact that the office of President of the United States, as well as many other executive offices, and to some extent legislative offices, call upon those who hold them for the exercise of judgment and skill in the construction and application of laws. It is true that the strictly judicial power of the country, technically speaking, is vested in the Supreme Court and such inferior courts as Congress from time to time have established or may establish. But there is a great mass of work to be performed by executive officers in the discharge of their duties, which is of a judicial character. Take, for instance, all that is done in the auditing of accounts: that is judicial, whether it be done by an auditor or a comptroller, or whether it be done by a chancellor; and the work has the same character, whether done by one or by the other. They must construe and apply the laws; they must investigate and ascertain facts; they must come to some results compounded of the law and of the facts.

Now, this class of duties the President of the United States has to perform. A case is brought before him, which, in his judgment, calls for action: his first inquiry must be, What is the law on the subject? He encounters, among other things, this tenure-of-office law in the course of his inquiry. His first duty is to construe that law; to see whether it applies to the case; to use, of course, in doing so, all those means and appliances which the Constitution and the laws of the country have put into his hands to enable him to come to a correct decision. But, after all, he must decide in order either to act or to refrain from action.

That process the President in this case was obliged to go through, and did go through; and he came to the conclusion that the case of Mr. Stanton was not within this law. He came to that conclusion, not merely by an examination of

this law himself, but by resorting to the advice which the Constitution and laws of the country enable him to call for to assist him in coming to a correct conclusion. Having done so, are the Senate prepared to say that the conclusion he reached must have been a wilful misconstruction,—so wilful, so wrong, that it can justly and properly, and for the purpose of this prosecution, effectively be termed a high misdemeanor? How does the law read? What are its purposes and objects? How was it understood here at the time when it was passed? How is it possible for this body to convict the President of the United States of a high misdemeanor for construing a law as those who made it construed it at the time when it was made?

. . . . . .

I have now gone over, Senators, the considerations which seem to me to be applicable to the tenure-of-office bill, and to this allegation which is made that the President knowingly violated the Constitution of the United States in the order for the removal of Mr. Stanton from office while the Senate was in session; and the counsel for the President feel that it is not essential to his vindication from this charge to go further upon this subject. Nevertheless, there is a broader view upon this matter which is an actual part of the case—and it is due to the President it should be brought before you—that I now propose to open to your consideration.

The Constitution requires the President to take care that the laws be faithfully executed. It also requires him, as a qualification for his office, to swear that he will faithfully execute the laws, and that, to the best of his ability, he will preserve, protect, and defend the Constitution of the United States. I suppose every one will agree that, so long as the President of the United States, in good faith, is endeavoring to take care that the laws be faithfully executed, and in good faith, and to the best of his ability is preserving, protecting, and defending the Constitution of the United States,

although he may be making mistakes, he is not committing high crimes or misdemeanors.

In the execution of these duties, the President found, for reasons which it is not my province at this time to enter upon, but which will be exhibited to you hereafter, that it was impossible to allow Mr. Stanton to continue to hold the office of one of his advisers, and to be responsible for his conduct in the manner he was required by the Constitution and laws to be responsible, any longer. This was intimated to Mr. Stanton, and did not produce the effect which, according to the general judgment of well-informed men, such intimations usually produce. Thereupon, the President first suspended Mr. Stanton, and reported that to the Senate. Certain proceedings took place, which will be adverted to more particularly presently. They resulted in the return of Mr. Stanton to the occupation by him of his office. Then it became necessary for the President to consider, first, whether this tenure-of-office law applied to the case of Mr. Stanton; secondly, if it did apply to the case of Mr. Stanton, whether the law itself was the law of the land, or was merely inoperative because it exceeded the constitutional power of the legislature.

I am aware that it is asserted to be the civil and moral duty of all men to obey those laws which have been passed through all the forms of legislation, until they shall have been decreed by judicial authority not to be binding; but this is too broad a statement of the civil and moral duty incumbent either upon private citizens or public officers. If this is the measure of duty, there never could be a judicial decision that a law is unconstitutional, inasmuch as it is only by disregarding a law that any question can be raised judicially under it. I submit to Senators that not only is there no such rule of civil or moral duty, but that it may be and has been a high and patriotic duty of a citizen to raise a question whether a law is within the constitution of the country. Will any man question the patriotism or the propriety of John Hampden's act, when he brought the ques-

tion [decided in 1637] whether "ship money" was within the constitution of England before the courts of England? Not only is there no such rule incumbent upon the private citizens which forbids them to raise such questions, but, let me repeat, there may be, as there not unfrequently have been, instances in which the highest patriotism and the purest civil and moral duty, require it to be done. Let me ask any of you, if you were a trustee for the rights of third persons, and those rights of third persons, which they could not defend themselves by reason perhaps of sex or age, should be attacked by an unconstitutional law, should you not deem it to be your sacred duty to resist it, and have the question tried? And if a private trustee may be subject to such duty, and impelled by it to such action, how is it possible to maintain that he who is a trustee for the people of powers confided to him for their protection, for their security, for their benefit, may not in that character of trustee defend what has thus been confided to him?

Do not let me be misunderstood on this subject. I am not intending to advance upon or occupy any extreme ground, because no such extreme ground has been advanced upon or occupied by the President of the United States. He is to take care that the laws are faithfully executed. When a law has been passed through the forms of legislation, either with his assent or without his assent, it is his duty to see that that law is faithfully executed, so long as nothing is required of him but ministerial action. He is not to erect himself into a judicial court, and decide that the law is unconstitutional, and that therefore he will not execute it; for, if that were done, manifestly there never could be a judicial decision. He would not only veto a law, but he would refuse all action under the law after it had been passed, and thus prevent any judicial decision from being made. He [President Johnson] asserts no such power. He has no such idea of his duty. His idea of his duty is that, if a law is passed over his veto which he believes to be unconstitutional, and that law affects the interests of third persons, those whose

interests are affected must take care of them, vindicate them, raise questions concerning them, if they should be so advised. If such a law affects the general and public interests of the people, the people must take care at the polls that it is remedied in a constitutional way.

But when, Senators, a question arises whether a particular law has cut off a power confided to him by the people, through the Constitution, and he alone can raise that question, and he alone can cause a judicial decision to come between the two branches of the government to say which of them is right, and after due deliberation, with the advice of those who are his proper advisers, he settles down firmly upon the opinion that such is the character of the law, it remains to be decided by you whether there is any violation of his duty when he takes the needful steps to raise that question and have it peacefully decided.

Where shall the line be drawn? Suppose a law should provide that the President of the United States should not make a treaty with England or with any other country. It would be a plain infraction of his constitutional power; and, if an occasion arose when such a treaty was in his judgment expedient and necessary, it would be his duty to make it; and the fact that it should be declared to be a high misdemeanor, if he made it, would no more relieve him from the responsibility of acting through the fear of that law than he would be relieved of that responsibility by a bribe not to act.

Suppose a law that he shall not be Commander-in-Chief in part or in whole,—a plain case, I will suppose, of an infraction of that provision of the Constitution which has confided to him that command, the Constitution intending that the head of all the military power of the country should be a civil magistrate, to the end that the law may always be superior to arms. Suppose he should resist a statute of that kind, in the manner I have spoken of, by bringing it to a judicial decision?

It may be said these are plain cases of express infrac-

tions of the Constitution; but what is the difference between a power conferred upon the President by the express words of the Constitution, and a power conferred upon the President by a clear and sufficient implication in the Constitution? Where does the power to make banks come from? Where does the power come from to limit Congress in assigning original jurisdiction to the Supreme Court of the United States,—one of the cases referred to the other day? Where do a multitude of powers upon which Congress acts come from, in the Constitution, except by fair implications? Whence do you derive the power, while you are limiting the tenure of office, to confer on the Senate the right to prevent removals without their consent? Is that expressly given in the Constitution, or is it an implication which is made from some of its provisions?

I submit it is impossible to draw any line of duty for the President simply because a power is derived from an implication in the Constitution, instead of from an express provision. One thing unquestionably is to be expected of the President on all such occasions: that is, that he should carefully consider the question; that he should ascertain that it necessarily arises; that he should be of the opinion that it is necessary to the public service that it should be decided; that he should take all competent and proper advice on the subject. When he has done all this, if he finds that he can not allow the law to operate in the particular case without abandoning a power which he believes has been confided to him by the people, it is his solemn conviction that it is his duty to assert the power and obtain a judicial decision thereon. And although he does not perceive, nor do his counsel perceive, that it is essential to his defense in this case to maintain this part of the argument, nevertheless, if this tribunal should be of that opinion, then before this tribunal, before all the people of the United States, and before the civilized world, he asserts the truth of this position.

I am compelled now to ask your attention, quite briefly

however, to some considerations which weighed upon the mind of the President, and led him to the conclusion that this was one of the powers of his office which it was his duty, in the manner I have indicated, to endeavor to preserve.

The question whether the Constitution has lodged the power of removal with the President alone, with the President and Senate, or left it to Congress to be determined at its will in fixing the tenure of offices, was, as all Senators know, debated in 1789 with surpassing ability and knowledge of the frame and necessities of our government.

Now, it is a rule long settled, existing I suppose in all civilized countries, certainly in every system of law that I have any acquaintance with, that a contemporary exposition of a law, made by those who were competent to give it a construction, is of very great weight; and that when such contemporary exposition has been made of a law, and it has been followed by an actual and practical construction in accordance with that contemporary exposition, continued during a long period of time and applied to great numbers of cases, it is afterward too late to call in question the correctness of such a construction.

[Mr. Curtis then showed that Congress in 1789, after mature consideration, had decided that the power to remove was vested exclusively in the President, and that this view had been upheld, for a half century since, by the Supreme Court of the United States.]

Now I ask Senators to consider whether, for having formed an opinion that the Constitution of the United States had lodged this power with the President,—an opinion which he shares with every President who has preceded him, with every Congress which has preceded the last; an opinion formed on the grounds which I have imperfectly indicated; an opinion which, when applied to this particular case, raises the difficulties which I have indicated here, arising out of the fact that this law does not pursue either of the opinions which were originally held in this government,

and have occasionally been started and maintained by those who are restless under its administration; an opinion thus supported by the practice of the government from its origin down to his own day,—is he to be impeached for holding that opinion? If not, if he might honestly and properly form such an opinion under the lights which he had, and with the aid of the advice which we shall show you he received, then is he to be impeached for acting upon it to the extent of obtaining a judicial decision whether the executive department of the government was right in its opinion, or the legislative department was right in its opinion? Strangely enough, as it struck me, the honorable managers themselves say, "No; he is not to be impeached for that."

. . . . . .

So it seems that it is, after all, not the removal of Mr. Stanton, but the manner in which the President communicated the fact of that removal to the Senate after it was made. That manner is here called the "defiant message" of the 21st of February. That is a question of taste. I have read the message, as you all have read it. If you can find anything in it that is not decorous and respectful to this body and to all concerned, your taste will differ from mine. But, whether it be a point of manners well or ill taken, one thing seems to be quite clear: that the President is not impeached here because he entertained an opinion that this law was unconstitutional; he is not impeached here because he acted on that opinion and removed Mr. Stanton; but he is impeached here because the House of Representatives considers that this honorable body was addressed by a "defiant message," when they should have been addresed in the terms which the honorable manager has dictated.

[Mr. Curtis next considered successively the second article, dealing with the commissioning of General Thomas as acting Secretary of War; the eighth article, which "differs from the second only in one particular"; the third, which concerned the same matter; the fourth, fifth, sixth and seventh, which he styled "the conspiracy articles, because they rest

upon charges of conspiracy between the President and General Thomas"; and the ninth, which dealt with a conversation between the President and General Emory.]

I pass, then, from this article, as being one upon which I ought not to detain the Senate; and I come to the last one, concerning which I shall have much to say, and that is the tenth article, which is all of and concerning the speeches of the President.

In the front of this inquiry, the question presents itself: What are impeachable offenses under the Constitution of the United States? Upon this question, learned dissertations have been written and printed. One of them is annexed to the argument of the honorable manager who opened for the prosecution. Another one, on the other side of the question, written by one of the honorable managers themselves, may be found annexed to the proceedings in the House of Representatives upon the occasion of the first attempt to impeach the President. And there have been others written and published by learned jurists touching this subject. I do not propose to vex the ear of the Senate with any of the precedents drawn from the Middle Ages. The framers of our Constitution were quite as familiar with them as the learned authors of these treatises; and the framers of our Constitution, as I conceive, have drawn from them the lesson which I desire the Senate to receive, that these precedents are not fit to govern their conduct on this trial.

In my apprehension, the teachings, the requirements, the prohibitions of the Constitution of the United States, prove all that is necessary to be attended to for the purposes of this trial. I propose, therefore, instead of a search through the precedents which were made in the times of the Plantagenets, the Tudors, and the Stuarts, and which have been repeated since, to come nearer home and see what provisions of the Constitution of the United States bear on this question, and whether they are not sufficient to settle it. If they are, it is quite immaterial what exists elsewhere.

My first position is that, when the Constitution speaks of "treason, bribery, and other high crimes and misdemeanors," it refers to, and includes only, high criminal offenses against the United States, made so by some law of the United States existing when the acts complained of were done; and I say that this is plainly to be inferred from each and every provision of the Constitution on the subject of impeachment.

"Treason" and "bribery." Nobody will doubt that these are here designated high crimes and misdemeanors against the United States, made such by the laws of the United States, which the framers of the Constitution knew must be passed in the nature of the government they were about to create, because these are offenses which strike at the existence of that Government. "Other high crimes and misdemeanors." *Noscitur a sociis* [one is known by the company he keeps.] High crimes and misdemeanors,—so high that they belong in this company with treason and bribery. That is plain on the face of the Constitution,—in the very first step it takes on the subject of impeachment. "High crimes and misdemeanors" against what law? There can be no crime, there can be no misdemeanor without a law, written or unwritten, express or implied. There must be some law, otherwise there is no crime. My interpretation of it is that the language "high crimes and misdemeanors" means "offenses against the laws of the United States." Let us see if the Constitution has not said so.

The first clause of the second section of the second article of the Constitution reads thus:

"The President of the United States shall have the power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment."

"Offenses against the United States" would include "cases of impeachment," and they might be pardoned by the President, if they were not excepted. Then cases of impeachment are, according to the express declaration of the Constitution itself, cases of offenses against the United States.

Still, the learned manager says that this is not a court,

and that, whatever may be the character of this body, it is bound by no law. Very different was the understanding of the fathers of the Constitution on this subject. . . . I say, then, that it is impossible not to come to the conclusion that the Constitution of the United States has designated impeachable offenses as offenses against the United States; that it has provided for the trial of those offenses; that it has established a tribunal for the purpose of trying them; that it has directed the tribunal, in case of conviction, to pronounce a judgment upon the conviction and inflict a punishment. All this being provided for, can it be maintained that this is not a court, or that it is bound by no law?

But the argument does not rest mainly, I think, upon the provisions of the Constitution concerning impeachment. It is, at any rate, vastly strengthened by the direct prohibitions of the Constitution. "Congress shall pass no bill of attainder or *ex post facto* law." According to that prohibition of the Constitution, if every member of this body, sitting in its legislative capacity, and every member of the other body, sitting in its legislative capacity, should unite in passing a law to punish an act after the act was done, that law would be a mere nullity. Yet what is claimed by the honorable managers in behalf of members of this body? As a Congress, you can not create a law to punish these acts, if no law existed at the time they were done; but sitting here as judges, not only after the fact, but while the case is on trial, you may individually, each one of you, create a law by himself to govern the case!

. . . According to the doctrine now advanced, bills of attainder are not prohibited by this Constitution: they are only slightly modified. It is only necessary for the House of Representatives by a majority to vote an impeachment and send up certain articles and have two-thirds of this body vote in favor of conviction, and there is an attainder; and it is done by the same process and depends on identically the same principles as a bill of attainder in the English Parliament. The individual wills of the legislators,

instead of the conscientious discharge of the duty of the judges, settle the result.

I submit, then, Senators, that this view of the honorable managers of the duties and powers of this body can not be maintained. But the attempt made by the honorable managers to obtain a conviction upon this tenth article is attended with some peculiarities which I think it is the duty of the counsel of the President to advert to. So far as regards the preceding articles, the first eight articles are framed upon the allegations that the President broke a law. I suppose the honorable managers do not intend to carry their doctrine so far as to say that, unless you find the President did intentionally break a law, those articles are supported. As to those articles, there is some law unquestionably, the very gist of the charge being that he broke a law. You must find that the law existed; you must construe it, and apply it to the case; you must find his criminal intent wilfully to break the law, before the articles can be supported. But we come now to this tenth article, which depends upon no law at all, but, as I have said, is attended with some extraordinary peculiarities.

The complaint is that the President made speeches against Congress. . . . Well, who are the grand jury in this case? One of the parties spoken against. And who are the triers? The other party spoken against. One would think there was some incongruity in this, some reason for giving pause before taking any great stride in that direction. The honorable House of Representatives sends its managers here to take notice of what? That the House of Representatives has erected itself into a school of manners, selecting from its ranks those gentlemen whom it deems most competent by precept and example to teach decorum of speech; and they desire the judgment of this body whether the President has not been guilty of indecorum, whether he has spoken properly, to use the phrase of the honorable manager. Now, there used to be an old-fashioned notion that, although there might be a difference of taste

about oral speeches, and no doubt always has been and always will be many such differences, there was one very important test in reference to them, and that is whether they are true or false; but it seems that in this case that is no test at all. The honorable manager, in opening the case, finding, I suppose, that it was necessary in some manner to advert to that subject, has done it in terms which I will read to you:

"The words are not alleged to be either false or defamatory, because it is not within the power of any man, however high his official position, in effect to slander the Congress of the United States, in the ordinary sense of that word, so as to call on Congress to answer as to the truth of the accusation."

Considering the nature of our government, considering the experience which we have gone through on this subject, that is a pretty lofty claim. Why, if the Senate please, if you go back to the time of the Plantagenets and seek for precedents there, you will not find so lofty a claim as that. . . .

The great men of the realm in the time of Richard II. were protected only against "horrible and false lies," and when we arrive in the course of our national experience, during the war with France and the administration of Mr. Adams, to the attempt to check, not free speech, but free writing [the Sedition Act of 1798], Senators will find that, although it applied only to written libels, it contained an express section that the truth might be given in evidence.

. . . But no one ever imagined that freedom of speech, in contradistinction from written libel, could be restrained by a law of Congress; for whether you treat the prohibition in the Constitution as absolute in itself, or whether you refer to the common law for a definition of its limits and meaning, the result will be the same. Under the common law, no man was ever punished criminally for spoken words. If he slandered his neighbor and injured him, he must make good in damages to his neighbor the in-

jury he had done; but there was no such thing at the common law as an indictment for spoken words. So that this prohibition in the Constitution against any legislation by Congress in restraint of the freedom of speech is necessarily an absolute prohibition; and therefore this is a case not only where there is no law made prior to the act to punish the act, but a case where Congress is expressly prohibited from making any law to operate even on subsequent acts.

What is the law to be? Suppose it is, as the honorable managers seem to think it should be, the sense of propriety of each Senator appealed to. What is it to be? The only rule I have heard, the only rule which can be announced, is that you may require the speaker to speak properly. Who are to be the judges whether he speaks properly? In this case, the Senate of the United States, on the presentation of the House of Representatives of the United States; and that is supposed to be the freedom of speech secured by this absolute prohibition of the Constitution! That is the same freedom of speech, Senators, in consequence of which thousands of men went to the scaffold under the Tudors and the Stuarts. That is the same freedom of speech which caused thousands of heads of men and women to roll from the guillotine in France. That is the same freedom of speech which has caused in our day, more than once, "order to reign in Warsaw."* The persons did not speak properly in the apprehension of the judges before whom they were brought. Is that the freedom of speech intended to be secured by our Constitution?

. . . . . .

It must be unnecessary for me to say anything concerning the importance of this case, not only now, but in the future. It must be apparent to every one, in any way connected with or concerned in this trial, that this is and will be the most conspicuous instance which ever has been or

*The reference is to the savage cruelty with which the Russian government, in 1863-66, put down political agitation in Poland.

can ever be expected to be found of American justice or American injustice, of that justice which Mr. Burke says is the great standing policy of all civilized States, or of that injustice which is sure to be discovered and which makes even the wise man mad, and which, in the fixed and immutable order of God's providence, is certain to plague its inventors.

32. CARL SCHURZ, of Missouri.—PLEA FOR A GENERAL AMNESTY

(Delivered in the Senate, January 30, 1872.)

Aside from the problem of restoring loyal State governments in the South and admitting their representatives to Congress, the most important question of political reconstruction concerned the treatment of the persons engaged in the attempted secession and resulting war. When the North granted belligerent rights to the South, it precluded itself from subsequently treating participation in the war as treason, punishable with death. December 8, 1863, President Lincoln issued the first amnesty proclamation, which offered full pardon and restoration of property rights (except in slaves and in cases where rights had accrued to third parties) to all who should take a prescribed oath of loyalty; from this offer were excepted, however, officers in the Confederate army above the rank of colonel and in the navy above lieutenant, and those who had left judicial stations or seats in Congress or had resigned commissions under the United States to aid the Rebellion. When President Johnson succeeded Lincoln he extended the list of

Carl Schurz. Born in Germany, 1829; studied at the University of Bonn; took part in the revolutionary movements of 1848-49; refugee in Switzerland, Paris, and London, 1849-52; emigrated to United States, 1852; member of Republican National Convention, 1860; U. S. minister to Spain, 1861, but resigned to enter the Federal army; appointed brigadier general, 1862, and major general, 1863; U. S. Senator from Missouri, 1869-75; supported Greeley for President, 1872; Secretary of the Interior under President Hayes, 1877-81; editor New York Evening Post, 1881-84; supported Cleveland for President, 1884; President National Civil Service Reform League, 1892-1901; died, 1906.

exceptions with the intention of "making treason odious" to some fourteen classes, including all graduates of West Point or Annapolis who had joined the Rebellion, governors of States in rebellion, and all persons worth over $20,000; persons in the excepted classes might, however, make special applications for pardons, which it was promised would be liberally granted (May 29, 1865). In a proclamation of December 25, 1868, President Johnson offered full pardon and amnesty for treason, without the taking of an oath, to all participants in the Rebellion.

The Fourteenth Amendment, however, which was declared in force July 28, 1868, imposed disability to hold office upon all who in higher positions had engaged in the Rebellion, but gave Congress permission to remove such disability by two-thirds vote of each house. In a large number of individual cases Congress did by such votes remove the disability. The general attitude of Congress on the whole subject, however, is thus characterized by S. S. Cox, Democratic Representative from New York: "It was a grace which was grudged, amnesty which was exceptive, and oblivion brimful of memories. It was most ungracious grace. It was punitive pardon; it was a rushing and turbulent Lethe." (Cox, *Three Decades of Federal Legislation*, p. 595.) Various attempts were made to pass a general amnesty act (with exceptions), and it was in connection with one of these that the speech was made which is here given. Its author was one of those high-souled liberally educated Germans who, having fled from the Fatherland after the failure of the German Revolution of 1848, had served his adopted country with fervent patriotism in both forum and field, and subsequently was to make himself the especial champion before the country of civil service reform and other forms of civic righteousness. The particular bill under discussion failed for want of the nec-

essary two-thirds vote; but a subsequent measure became law (May 22, 1872), which removed the political disabilities of all persons who had engaged in the rebellion, except (1) those who had been members of the 36th and 37th Congresses, and (2) former officers in the judicial, military, or naval service of the United States, heads of departments, and foreign representatives of the United States. These remaining disabilities were removed by an act of June 6, 1898.

[Carl Schurz, in the U. S. Senate, January 30, 1872.]

Mr. President: . . . In the course of this debate we have listened to some Senators, as they conjured up before our eyes once more all the horrors of the Rebellion, the wickedness of its conception, how terrible its incidents were, and how harrowing its consequences. Sir, I admit it all; I will not combat the correctness of the picture; and yet if I differ with the gentlemen who drew it, it is because, had the conception of the Rebellion been still more wicked, had its incidents been still more terrible, its consequences still more harrowing, I could not permit myself to forget that in dealing with the question now before us we have to deal not alone with the past, but with the present and future interests of this republic.

What do we want to accomplish as good citizens and patriots? Do we mean only to inflict upon the late rebels pain, degradation, mortification, annoyance, for its own sake; to torture their feelings without any ulterior purpose? Certainly such a purpose could not by any possibility animate high-minded men. I presume, therefore, that those who still favor the continuance of some of the disabilities imposed by the Fourteenth Amendment do so because they have some higher object of public usefulness in view, an object of public usefulness sufficient to justify, in their minds at least, the denial of rights to others which we ourselves enjoy.

What can those objects of public usefulness be? Let me assume that, if we differ as to the means to be employed, we are agreed as to the supreme end and aim to be reached. That end and aim of our endeavors can be no other than to secure to all the States the blessings of good and free government and the highest degree of prosperity and well-being they can attain, and to revive in all citizens of this republic that love for the Union and its institutions, and that inspiring consciousness of a common nationality which, after all, must bind all Americans together.

What are the best means for the attainment of that end? This, sir, as I conceive it, is the only legitimate question we have to decide. Certainly all will agree that this end is far from having been attained so far. Look at the Southern States as they stand before us to-day. Some are in a condition bordering upon anarchy, not only on account of the social disorders which are occurring there, or the inefficiency of their local governments in securing the enforcement of the laws; but you will find in many of them fearful corruption pervading the whole political organization; a combination of rascality and ignorance wielding official power; their finances deranged by profligate practices; their credit ruined; bankruptcy staring them in the face; their industries staggering under a fearful load of taxation; their property-holders and capitalists paralyzed by a feeling of insecurity and distrust almost amounting to despair. Sir, let us not try to disguise these facts, for the world knows them to be so, and knows it but too well.

What are the causes that have contributed to bring about this distressing condition? I admit that great civil wars, resulting in such vast social transformations as the sudden abolition of slavery, are calculated to produce similar results; but it might be presumed that a recuperative power such as this country possesses might, during the time which has elapsed since the close of the war, at least have very materially alleviated many of the consequences of that revulsion, had a wise policy been followed.

Was the policy we followed wise? Was it calculated to promote the great purposes we are endeavoring to serve? Let us see. At the close of the war we had to establish and secure free labor and the rights of the emancipated class. To that end we had to disarm those who could have prevented this, and we had to give the power of self-protection to those who needed it. For this reason temporary restrictions were imposed upon the late rebels, and we gave the right of suffrage to the colored people. Until the latter were enabled to protect themselves, political disabilities even more extensive than those which now exist rested upon the plea of eminent political necessity. I would be the last man to conceal that I thought so then, and I think there was very good reason for it.

But, sir, when the enfranchisement of the colored people was secured; when they had obtained the political means to protect themselves,—then another problem began to loom up. It was not only to find new guarantees for the rights of the colored people, but it was to secure good and honest government to all. Let us not underestimate the importance of that problem, for in a great measure it includes the solution of the other. Certainly nothing could have been more calculated to remove the prevailing discontent concerning the changes that had taken place, and to reconcile men's minds to the new order of things, than the tangible proof that the new order of things was practically working well; that it could produce a wise and economical administration of public affairs, and that it would promote general prosperity, thus healing the wounds of the past and opening to all the prospect of a future of material well-being and contentment. And, on the other hand, nothing could have been more calculated to impede a general, hearty, and honest acceptance of the new order of things by the late rebel population, than just those failures of public administration which involve the people in material embarrassments and so seriously disturb their comfort. In fact, good, honest, and successful government in the Southern States would in

its moral effects, in the long run, have exerted a far more beneficial influence than all your penal legislation, while your penal legislation will fail in its desired effects if we fail in establishing in the Southern States an honest and successful administration of the public business.

Now, what happened in the South? It is a well-known fact that the more intelligent classes of Southern society almost uniformly identified themselves with the Rebellion; and by our system of political disabilities just those classes were excluded from the management of political affairs. That they could not be trusted with the business of introducing into living practice the results of the war, to establish true free labor, and to protect the rights of the emancipated slaves, is true; I willingly admit it. But when those results and rights were constitutionally secured, there were other things to be done. Just at that period when the Southern States lay prostrated and exhausted at our feet, when the destructive besom of war had swept over them and left nothing but desolation and ruin in its track, when their material interests were to be built up again with care and foresight—just then the public business demanded, more than ordinarily, the co-operation of all the intelligence and all the political experience that could be mustered in the Southern States. But just then a large portion of that intelligence and experience was excluded from the management of public affairs by political disabilities, and the controlling power in those States rested in a great measure in the hands of those who had but recently been slaves and just emerged from that condition, and in the hands of others who had sometimes honestly, sometimes by crooked means and for sinister purposes, found a way to their confidence.

This was the state of things as it then existed. Nothing could be further from my intention than to cast a slur upon the character of the colored people of the South. In fact, their conduct immediately after that great event which struck the shackles of slavery from their limbs was above

praise. Look into the history of the world, and you will find that almost every similar act of emancipation—the abolition of serfdom, for instance—was uniformly accompanied by the atrocious outbreaks of a revengeful spirit; by the slaughter of nobles and their families, illumined by the glare of their burning castles. Not so here. While all the horrors of San Domingo had been predicted as certain to follow upon emancipation, scarcely a single act of revenge for injuries suffered or for misery endured has darkened the record of the emancipated bondmen of America. And thus their example stands unrivaled in history, and they, as well as the whole American people, may well be proud of it. Certainly, the Southern people should never cease to remember and appreciate it.

But while the colored people of the South earned our admiration and gratitude, I ask you in all candor could they be reasonably expected, when, just after having emerged from a condition of slavery, they were invested with political rights and privileges, to step into the political arena as men armed with the intelligence and experience necessary for the management of public affairs and for the solution of problems made doubly intricate by the disasters which had desolated the Southern country? Could they reasonably be expected to manage the business of public administration, involving to so great an extent the financial interests and the material well-being of the people, and surrounded by difficulties of such fearful perplexity, with the wisdom and skill required by the exigencies of the situation? That as a class they were ignorant and inexperienced and lacked a just conception of public interests, was certainly not their fault; for those who have studied the history of the world know but too well that slavery and oppression are very bad political schools. But the stubborn fact remains that they *were* ignorant and inexperienced; that the public business *was* an unknown world to them, and that in spite of the best intentions they *were* easily misled, not infrequently by the most reckless rascality which had found a way to their

confidence. Thus their political rights and privileges were undoubtedly well calculated, and even necessary, to protect their rights as free laborers and citizens; but they were not well calculated to secure a successful administration of other public interests.

I do not blame the colored people for it, still less do I say that for this reason their political rights and privileges should have been denied them. Nay, sir, I deemed it necessary then, and I now reaffirm that opinion, that they should possess those rights and privileges for the permanent establishment of the logical and legitimate results of the war and the protection of their new position in society. But, while never losing sight of this necessity, I do say that the inevitable consequence of the admission of so large an uneducated and inexperienced class to political power, as to the probable mismanagement of the material interests of the social body, should at least have been mitigated by a counterbalancing policy. When ignorance and inexperience were admitted to so large an influence upon public affairs, intelligence ought no longer to so large an extent to have been excluded. In other words, when universal suffrage was granted to secure the equal rights of all, universal amnesty ought to have been granted to make all the resources of political intelligence and experience available for the promotion of the welfare of all.

But what did we do? To the uneducated and inexperienced classes—uneducated and inexperienced, I repeat, entirely without their fault—we opened the road to power; and, at the same time, we condemned a large proportion of the intelligence of those States,—of the property-holding, the industrial, the professional, the tax-paying interest,—to a worse than passive attitude. We made it, as it were, easy for rascals who had gone South in quest of profitable adventure to gain the control of masses so easily misled, by permitting them to appear as the exponents and representatives of the national power and of our policy; and at the same time we branded a large number of men of intelli-

gence, and many of them of personal integrity, whose material interests were so largely involved in honest government, and many of whom would have co-operated in managing the public business with care and foresight—we branded them, I say, as outcasts; telling them that they ought not to be suffered to exercise any influence upon the management of the public business, and it would be unwarrantable presumption in them to attempt it.

I ask you, sir, could such things fail to contribute to the results we to-day read in the political corruption and demoralization, and in the financial ruin of some of the Southern States? These results are now before us. The mistaken policy may have been pardonable when these consequences were still a matter of conjecture and speculation; but what excuse have we now for continuing it when those results are clear before our eyes, beyond the reach of contradiction?

These considerations would seem to apply more particularly to those Southern States where the colored element constitutes a very large proportion of the voting body. There is another which applies to all.

When the Rebellion stood in arms against us, we fought and overcame force by force. That was right. When the results of the war were first to be established and fixed, we met the resistance they encountered with that power which the fortune of war and the revolutionary character of the situation had placed at our disposal. The feelings and prejudices which then stood in our way had under such circumstances but little, if any, claim to our consideration. But when the problem presented itself of securing the permanency, the peaceable development, and the successful working of the new institutions we had introduced into our political organism, we had as wise men to take into careful calculation the moral forces we had to deal with. For let us not indulge in any delusion about this: what is to be permanent in a republic like this must be supported by public

opinion; it must rest at least upon the willing acquiescence of a large and firm majority of the people.

The introduction of the colored people, the late slaves, into the body-politic as voters, pointedly affronted the traditional prejudices prevailing among the Southern whites. What should we care about those prejudices? In war, nothing. After the close of the war, in the settlement of peace, not enough to deter us from doing what was right and necessary; and yet, still enough to take them into account when considering the manner in which right and necessity were to be served. Statesmen will care about popular prejudices as physicians will care about the diseased condition of their patients, which they want to ameliorate. Would it not have been wise for us, looking at those prejudices as a morbid condition of the Southern mind, to mitigate, to assuage, to disarm them by prudent measures, and thus to weaken their evil influence? We desired the Southern whites to accept in good faith universal suffrage, to recognize the political rights of the colored man, and to protect him in their exercise. Was not that our sincere desire? But if it was, would it not have been wise to remove as much as possible the obstacles that stood in the way of that consummation? But what did we do? When we raised the colored people to the rights of active citizenship and opened to them all the privileges of eligibility, we excluded from those privileges a large and influential class of whites; in other words, we lifted the late slave, uneducated and inexperienced as he was,—I repeat, without his fault,—not merely to the level of the late master class, but even above it. We asked certain white men to recognize the colored man in a political status not only as high but even higher than their own. We might say that under the circumstances we had a perfect right to do that, and I will not dispute it; but I ask you most earnestly, sir, was it wise to do it? If you desired the white man to accept and recognize the political equality of the black, was it wise to embitter and exasperate his spirit with the stinging

stigma of his own inferiority? Was it wise to withhold from him privileges in the enjoyment of which he was to protect the late slave? This was not assuaging, disarming prejudice; this was rather inciting, it was exasperating it. American statesmen will understand and appreciate human nature as it has developed itself under the influence of free institutions. We know that if we want any class of people to overcome their prejudices in respecting the political rights and privileges of any other class, the very first thing we have to do is to accord the same rights and privileges to them. No American was ever inclined to recognize in others public rights and privileges from which he himself was excluded; and for aught I know, in this very feeling, although it may take an objectionable form, we find one of the safeguards of popular liberty.

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I remember, also, to have heard the argument that under all circumstances the law must be vindicated. What law in this case? If any law is meant, it must be the law imposing the penalty of death upon the crime of treason. Well, if at the close of the war we had assumed the stern and bloody virtue of the ancient Roman, and had proclaimed that he who raises his hand against this republic must surely die, then we might have claimed for ourselves at least the merit of logical consistency. We might have thought that by erecting a row of gallows stretching from the Potomac to the Rio Grande, and by making a terrible example of all those who had proved faithless to their allegiance, we would strike terror into the hearts of this and coming generations, to make them tremble at the mere thought of treasonable undertakings. That we might have done. Why did we not? Because the American people instinctively recoiled from the idea; because every wise man remembered that where insurrections are punished and avenged with the bloodiest hands, there insurrections do most frequently occur,—witness France and Spain and the southern part of this hemisphere; that there is a fascination for bloody reckonings

which allures instead of repelling—a fascination like that of the serpent's eye, which irresistibly draws on its victim. The American people recoiled from it, because they felt and knew that the civilization of the nineteenth century has for such evils a better medicine than blood.

Thus, sir, the penalty of treason, as provided for by law, remained a dead letter on the statute book, and we instinctively adopted a generous policy, and we added fresh luster to the glory of the American name by doing so. And now you would speak of vindicating the law against treason, which demands death, by merely excluding a number of persons from eligibility to office! Do you not see that, as a vindication of the law against treason, as an act of punishment, the system of disabilities sinks down to the level of a ridiculous mockery? If you want your system of disabilities to appear at all in a respectable light, then, in the name of common sense, do not call it a punishment for treason. Standing there, as it does, stripped of all the justification it once derived from political necessity, it would appear only as the evidence of an impotent desire to be severe without the courage to carry it out. But, having once adopted the policy of generosity, the only question for us is how to make that policy most fruitful. The answer is: We shall make the policy of generosity most fruitful by making it most complete.

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Look at the nations around us. In the Parliament of Germany how many men are there sitting who were once what you would call fugitives from justice, exiles on account of their revolutionary acts [in 1848–49], now admitted to the great council of the nation in the fullness of their rights and privileges—and mark you, without having been asked to abjure the opinions they formerly held, for at the present moment most of them still belong to the Liberal opposition. Look at Austria, where Count Andrassy, a man who, in 1849, was condemned to the gallows as a rebel, at this moment stands at the head of the imperial ministry;

and those who know the history of that country are fully aware that the policy of which that amnesty was a part, which opened to Count Andrassy the road to power, has attached Hungary more closely than ever to the Austrian Crown, from which a narrow-minded policy of severity would have driven her.

Now, sir, ought not we to profit by the wisdom of such examples? It may be said that other governments were far more rigorous in their first repressive measures, and that they put off the grant of a general amnesty much longer after suppressing an insurrection than we are required to do. So they did; but is not this the great republic of the New World, which marches in the very vanguard of modern civilization, and which, when an example of wisdom is set by other nations, should not only rise to its level, but far above it?

It seems now to be generally admitted that the time has come for a more comprehensive removal of political disabilities than has so far been granted. If that sentiment be sincere, if you really do desire to accomplish the greatest possible good by this measure that can be done, I would ask you what practical advantage do you expect to derive from the exclusions for which this bill provides? Look at them, one after another.

First, all those are excluded who, when the Rebellion broke out, were members of Congress, and left their seats in these halls to join it. Why are these men to be excluded as a class? Because this class contains a number of prominent individuals, who, in the Rebellion, became particularly conspicuous and obnoxious, and among them we find those whom we might designate as the original conspirators. But these are few, and they might have been mentioned by name. Most of those, however, who left their seats in Congress to make common cause with the rebels were in no way more responsible for the Rebellion than other prominent men in the South who do not fall under this exception. . . . Is it wise even to incur the suspicion of making an excep-

tion merely for the sake of excluding somebody, when no possible good can be accomplished by it, and when you can thus only increase the number of men incited to discontent and mischief by small and unnecessary degradations?

And now as to the original conspirators, what has become of them? Some of them are dead; and as to those who are still living, I ask you, sir, are they not dead also? Look at Jefferson Davis himself. What if you exclude even him—and certainly our feelings would naturally impel us to do so; but let our reason speak: what if you exclude even him? Would you not give him an importance which otherwise he never would possess, by making people believe that you are even occupying your minds enough with him to make him an exception to an act of generous wisdom? Truly to refrain from making an act of amnesty general on account of the original conspirators, candidly speaking, I would not consider worth while. I would not leave them the pitiable distinction of not being pardoned. Your very generosity will be to them the source of the bitterest disappointment. As long as they are excluded, they may still find some satisfaction in the delusion of being considered men of dangerous importance. Their very disabilities they look upon to-day as a recognition of their power. They may still make themselves and others believe that, were the Southern people only left free in their choice, they would eagerly raise them again to the highest honors.

But you relieve them of their exclusion, and they will at once become conscious of their nothingness, a nothingness most glaringly conspicuous then, for you will have drawn away the veil that has concealed it. I suspect that gentlemen on the Democratic side of the House, whom they would consider their political friends, would be filled with dismay at the mere thought of their reappearance among them. If there is anything that could prevent them from voting for universal amnesty, it might be the fear, if they entertained it at all, of seeing Jefferson Davis once more a Senator of the United States. . . .

So much for the first exception. Now to the second. It excludes from the benefit of this act all those who were officers of the Army or of the Navy and then joined the Rebellion. Why exclude that class of persons? I have heard the reason very frequently stated upon the floor of the Senate; it is because those men have been educated at the public expense, and their turning against the Government was therefore an act of peculiar faithlessness and black ingratitude. . . . Is it not a fact universally recognized, and I believe entirely uncontradicted, that of all classes of men connected with the Rebellion there is not one whose conduct since the close of the war has been so unexceptionable, and in a great many instances so beneficial in its influence upon Southern society, as the officers of the Army and the Navy, especially those who before the war had been members of our regular establishments? Why, then, except them from this act of amnesty? If you take subsequent good conduct into account at all, these men are the very last who as a class ought to be excluded. And would it not be well to encourage them in well-doing by a sign on your part that they are not to be looked upon as outcasts whose influence is not desired, even when they are inclined to use it for the promotion of the common welfare?

The third class excluded consists of those who were members of State conventions, and in those State conventions voted for ordinances of secession. . . . If you accept the proposition that it will be well and wise to permit the intelligence of the country to participate in the management of the public business, the exclusion of just these people will appear especially inappropriate, because their local influence might be made peculiarly beneficial; and if you exclude these persons, whose number is considerable, you tell just that class of people whose co-operation might be made most valuable that their co-operation is not wanted, for the reason that, according to the meaning and intent of your system of disabilities, public affairs are no business of theirs. You object that they are more guilty than the rest.

Suppose they are—and in many cases I am sure they are only apparently so—but if they were not guilty of any wrong, they would need no amnesty. Amnesty is made for those who bear a certain degree of guilt. Or would you indulge here in the solemn farce of giving pardon only to those who are presumably innocent? You grant your amnesty that it may bear good fruit; and if you do it for that purpose, then do not diminish the good fruit it may bear by leaving unplanted the most promising soil upon which it may grow.

A few words now about the second section of the bill before you, which imposes upon those who desire to have the benefit of amnesty the duty of taking an oath to support the Constitution before some public officer, that oath to be registered, the list to be laid before Congress and to be preserved in the office of the Secretary of State. Sir, I ask you, can you or any one tell me what practical good is to be accomplished by a provision like this? You may say that the taking of another oath will do nobody any harm. Probably not; but can you tell me, in the name of common sense, what harm in this case the taking of that oath will prevent? Or have we read the history of the world in vain, that we should not know yet how little political oaths are worth to improve the morality of a people or to secure the stability of a government? And what do you mean to accomplish by making up and preserving your lists of pardoned persons? Can they be of any possible advantage to the country in any way? Why, then, load down an act like this with such useless circumstance, while, as an act of grace and wisdom, it certainly ought to be as straightforward and simple as possible?

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Let me tell you it is the experience of all civilized nations the world over, when an amnesty is to be granted at all, the completest amnesty is always the best. Any limitation you may impose, however plausible it may seem at first sight, will be calculated to take away much of the virtue of that which

is granted. I entreat you, then, in the name of the accumulated experience of history, let there be an end of these bitter and useless and disturbing questions; let the books be finally closed, and when the subject is forever dismissed from our discussions and our minds, we shall feel as much relieved as those who are relieved of their political disabilities.

Sir, I have to say a few words about an accusation which has been brought against those who speak in favor of universal amnesty. It is the accusation resorted to, in default of more solid argument, that those who advise amnesty, especially universal amnesty, do so because they have fallen in love with the rebels. No, sir, it is not merely for the rebels I plead. We are asked, Shall the Rebellion go entirely unpunished? No, sir, it shall not. Neither do I think that the Rebellion has gone entirely unpunished. I ask you, had the rebels nothing to lose but their lives and their offices? Look at it. There was a proud and arrogant aristocracy, planting their feet on the necks of the laboring people, and pretending to be the born rulers of this great republic. They looked down, not only upon their slaves, but also upon the people of the North, with the haughty contempt of self-asserting superiority. When their pretensions to rule us all were first successfully disputed, they resolved to destroy this republic, and to build up on the corner-stone of slavery an empire of their own in which they could hold absolute sway. They made the attempt with the most overweeningly confident expectation of certain victory. Then came the Civil War, and after four years of struggle their whole power and pride lay shivered to atoms at our feet, their sons dead by tens of thousands on the battle-fields of this country, their fields and their homes devastated, their fortunes destroyed: and more than that, the whole social system in which they had their being, with all their hopes and pride, utterly wiped out; slavery forever abolished, and the slaves themselves created a political power before which they had to bow their heads; and

they, broken, ruined, helpless, and hopeless in the dust before those upon whom they had so haughtily looked down as their vassals and inferiors. Sir, can it be said that the Rebellion has gone entirely unpunished?

You may object that the loyal people, too, were subjected to terrible sufferings; that their sons, too, were slaughtered by tens of thousands; that the mourning of countless widows and orphans is still darkening our land; that we are groaning under terrible burdens which the Rebellion has loaded upon us, and that therefore part of the punishment has fallen upon the innocent. And it is certainly true.

But look at the difference. We issued from this great conflict as conquerors; upon the graves of our slain we could lay the wreath of victory; our widows and orphans, while mourning the loss of their dearest, still remember with proud exultation that the blood of their husbands and fathers was not spilled in vain; that it flowed for the greatest and holiest and at the same time the most victorious of causes; and when our people labor in the sweat of their brow to pay the debt which the Rebellion has loaded upon us, they do it with the proud consciousness that the heavy price they have paid is infinitely overbalanced by the value of the results they have gained: slavery abolished; the great American Republic purified of her foulest stain; the American people no longer a people of masters and slaves, but a people of equal citizens; the most dangerous element of disturbance and disintegration wiped out from among us; this country put upon the course of harmonious development,—greater, more beautiful, mightier than ever in its self-conscious power. And thus, whatever losses, whatever sacrifices, whatever sufferings we may have endured, they appear before us in a blaze of glory.

But how do the Southern people stand there? All *they* have sacrificed, all *they* have lost, all the blood *they* have spilled, all the desolation of *their* homes, all the distress that stares *them* in the face, all the wreck and ruin *they* see around them—all for nothing, all for a wicked folly, all for

a disastrous infatuation: the very graves of their slain nothing but monuments of a shadowy delusion; all their former hopes vanished forever; and the very magniloquence which some of their leaders are still indulging in, nothing but a mocking illustration of their utter discomfiture! Ah, sir, if ever human efforts broke down in irretrievable disaster, if ever human pride was humiliated to the dust, if ever human hopes were turned into despair, there you behold them. . . .

Nay, sir, I plead also for the colored people of the South, whose path will be smoothed by a measure calculated to assuage some of the prejudices and to disarm some of the bitternesses which still confront them; and I am sure that nothing better could happen to them, nothing could be more apt to make the growth of good feeling between them and the former master-class easier, than the destruction of a system which, by giving them a political superiority, endangers their peaceable enjoyment of equal rights.

And I may say to my honorable friend from Massachusetts [Mr. Sumner], who knows well how highly I esteem him, and whom I sincerely honor for his solicitude concerning the welfare of the lowly, that my desire to see their wrongs righted is no less sincere and no less unhampered by any traditional prejudice than his; although I will confess that as to the constitutional means to that end we may sometimes seriously differ: but I can not refrain from expressing my regret that this measure should be loaded with anything that is not strictly germane to it, knowing as we both do that the amendment he has proposed can not secure the necessary two-thirds vote in at least one of the Houses of Congress, and that therefore it will be calculated to involve this measure also in the danger of common failure. I repeat, it is not merely for the rebels I plead; it is for the whole American people: for there is not a citizen in the land whose true interests, rightly understood, are not largely concerned in every measure affecting the peace and welfare of any State of this Union. . . .

. . . Unless I am grievously in error, the people of the United States are a multitude not unthinking. The American people are fast becoming aware that, great as the crime of rebellion is, there are other villainies beside it; that much as it may deserve punishment there are other evils flagrant enough to demand energetic correction; that the remedy for such evils does, after all, not consist in the maintenance of political disabilities; and that it would be well to look behind those vociferous demonstrations of exclusive and austere patriotism to see what abuses and faults of policy they are to cover, and what rotten sores they are to disguise. The American people are fast beginning to perceive that good and honest government in the South, as well as throughout the whole country, restoring a measurable degree of confidence and contentment, will do infinitely more to revive true loyalty and a healthy national spirit, than keeping alive the resentments of the past by a useless degradation of certain classes of persons; and that we shall fail to do our duty unless we use every means to contribute our share to that end. And those, I apprehend, expose themselves to grievous disappointment who still think that, by dinning again and again in the ears of the people the old battle-cries of the Civil War, they can befog the popular mind as to the true requirements of the times, and overawe and terrorize the public sentiment of the country.

Sir, I am coming to a close. One word more. We have heard protests here against amnesty as a measure intended to make us forget the past and to obscure and confuse our moral appreciation of the great events of our history. No, sir; neither would I have the past forgotten, with its great experiences and teachings. Let the memory of the grand uprising for the integrity of the republic,—let those heroic deeds and sacrifices before which the power of slavery crumbled into dust,—be forever held in proud and sacred remembrance by the American people. Let it never be forgotten, as I am sure it never can be forgotten, that the

American Union, supported by her faithful children, can never be undermined by any conspiracy ever so daring, nor overthrown by any array of enemies ever so formidable. Let the great achievements of our struggle for national existence be forever a source of lofty inspiration to our children and children's children. . . .

But, sir, as the people of the North and of the South must live together as one people, and as they must be bound together by the bonds of a common national feeling, I ask you, will it not be well for us so to act that the history of our great civil conflict, which can not be forgotten, can never be remembered by Southern men without finding in its closing chapter this irresistible assurance: that we, their conquerors, meant to be, and were after all, not their enemies, but their friends? When the Southern people con over the distressing catalogue of the misfortunes they have brought upon themselves, will it not be well, will it not be "devoutly to be wished" for our common future, if at the end of that catalogue they find an act which will force every fair-minded man in the South to say of the Northern people, "When we were at war they inflicted upon us the severities of war; but when the contest had closed and they found us prostrate before them, grievously suffering, surrounded by the most perplexing difficulties and on the brink of new disasters, they promptly swept all the resentments of the past out of their way and stretched out their hands to us with the very fullest measure of generosity—anxious, eager, to lift us up from our prostration"? . . .

No, sir; I would not have the past forgotten, but I would have its history completed and crowned by an act most worthy of a great, noble, and wise people. By all the means which we have in our hands, I would make even those who have sinned against this republic see in its flag, not the symbol of their lasting degradation, but of rights equal to all; I would make them feel in their hearts that in its good and evil fortunes their rights and interests are bound up just as ours are; and that therefore its peace, its welfare, its honor,

and its greatness may and ought to be as dear to them as they are to us.

I do not, indeed, indulge in the delusion that this act alone will remedy all the evils which we now deplore. No, it will not; but it will be a powerful appeal to the very best instincts and impulses of human nature: it will, like a warm ray of sunshine in springtime, quicken and call to light the germs of good intention wherever they exist: it will give new courage, confidence, and inspiration to the well-disposed: it will weaken the power of the mischievous, by stripping off their pretexts and exposing in their nakedness the wicked designs they still may cherish: it will light anew the beneficent glow of fraternal feeling and of national spirit; for, sir, your good sense as well as your heart must tell you that, when this is truly a people of citizens equal in their political rights, it will then be easier to make it also a people of brothers.

33. HENRY W. GRADY, of Georgia.—THE NEW SOUTH

(Delivered before the New England Society of New York, December 21, 1886.)

More pressing even than political reconstruction were the problems of economic regeneration and readjustment with which, at the close of the armed struggle, the South was confronted. Their country was left desolate and waste by the ravages of war; their social and economic system was destroyed by emancipation. The blacks in large numbers left their former homes, and regardless of crops to be tilled and problems of subsistence gave themselves up to the joys of their new freedom. The State governments were in the hands of Northern "carpetbaggers," Southern "scalawags," and unintelligent negroes. Little aid from their hands could be expected by the returned Confederates in working out their new existence; and the Federal government usually confined its efforts to bolstering up the corruption and extravagance which made Reconstruction a byeword. Small wonder, then, that recovery was slow and gradual, and attended by much disorder.

But in the end recovery came, and a New South was born, which is the theme of the oration here presented. Agriculture profited by better methods of farming; man-

Henry Woodfen Grady. Born in Georgia, 1851; educated in the Universities of Georgia and Virginia; engaged in journalism soon after the war; became editor and part owner of the Altanta Constitution in 1880, with which he continued until his death; frequent contributor to the magazines and in later life a speaker on Southern topics; died at Atlanta, December 23, 1889.

ufactures were developed; and immigration both from the North and from abroad was encouraged to make good the waste of war. In all this Henry W. Grady was a leading factor; and it is fitting that the praises of the New South should be sung by his lips. Known only as a writer prior to 1886, the address which is here reprinted brought him into national notice as an orator. In the rather fulsome language of his friend, John Temple Graves, "In a single night he caught the heart of the country in his warm embrace and leaped from a banquet revelry into national fame." His death three years later, from pneumonia contracted while filling a lecture engagement in Boston, deprived the South of a sane and able counsellor who used his influence in fostering good feeling between the sections, and the whole country of one of its most eloquent orators.

[Henry W. Grady, before the New England Society of New York, December 21, 1886.]

"THERE was a South of slavery and secession: that South is dead. There is a South of union and freedom: that South, thank God, is living, breathing, growing every hour." These words, delivered from the immortal lips of Benjamin H. Hill, at Tammany Hall in 1866, true then and truer now, I shall make my text to-night.

Mr. President and Gentlemen: Let me express to you my appreciation of the kindness by which I am permitted to address you. I make this abrupt acknowledgment advisedly, for I feel that if, when I raise my provincial voice in this ancient and august presence, I could find courage for no more than the opening sentence, it would be well if in that sentence I had met in a rough sense my obligation as a guest, and had perished, so to speak, with courtesy on my lips and grace in my heart. Permitted, through your kindness, to catch my second wind, let me say that I appreciate the significance of being the first Southerner to speak at this

board, which bears the substance, if it surpasses the semblance, of original New England hospitality, and honors the sentiment that in turn honors you, but in which my personality is lost and the compliment to my people made plain.

I bespeak the utmost stretch of your courtesy to-night. I am not troubled about those from whom I come. You remember the man whose wife sent him to a neighbor with a pitcher of milk, and who, tripping on the top step, fell (with such casual interruptions as the landings afforded) into the basement; and, while picking himself up, had the pleasure of hearing his wife call out: "John, did you break the pitcher?" "No, I didn't," said John, "but I'll be dinged if I don't."

So, while those who call me from behind may inspire me with energy if not with courage, I ask an indulgent hearing from you. I beg that you will bring your full faith in American fairness and frankness to judgment upon what I shall say. There was an old preacher once who told some boys of the Bible lesson he was going to read in the morning. The boys, finding the place, glued together the connecting pages. The next morning he read at the bottom of one page, "When Noah was one hundred and twenty years old he took unto himself a wife who was"—then turning the page—"140 cubits long, 40 cubits wide, built of gopher wood, and covered with pitch inside and out." He was naturally puzzled at this. He read it again, verified it, and then said: "My friends, this is the first time I ever met this in the Bible, but I accept this as an evidence of the assertion that we are fearfully and wonderfully made." If I could get you to hold such faith to-night, I could proceed cheerfully to the task I otherwise approach with a sense of consecration.

Pardon me one word, Mr. President, spoken for the sole purpose of getting into the volumes that go out annually freighted with the rich eloquence of your speakers—the fact that the Cavalier as well as the Puritan was on the continent in its early days, and that he was "up and able to be

about." I have read your books carefully and I find no mention of that fact, which seems an important one to me for preserving a sort of historical equilibrium if for nothing else.

Let me remind you that the Virginia Cavalier first challenged France on the continent; that Cavalier John Smith gave New England its very name, and was so pleased with the job that he has been handing his own name around ever since; and that while Myles Standish was cutting off men's ears for courting a girl without her parents' consent, and forbade men to kiss their wives on Sunday, the Cavalier was courting everything in sight, and that the Almighty had vouchsafed great increase to the Cavalier colonies, the huts in the wilderness being full as the nests in the woods.

But having incorporated the Cavalier as a fact in your charming little books, I shall let him work out his own salvation, as he has always done with engaging gallantry, and we will hold no controversy as to his merits. Why should we? Neither Puritan nor Cavalier long survived as such. The virtues and good traditions of both happily still live for the inspiration of their sons and the saving of the old fashion. But both Puritan and Cavalier were lost in the storm of the first Revolution, and the American citizen, supplanting both and stronger than either, took possession of the republic bought by their common blood and fashioned to wisdom, and charged himself with teaching men government and establishing the voice of the people as the voice of God.

My friend Dr. Talmage has told you that the typical American has yet to come. Let me tell you that he has already come. Great types, like valuable plants, are slow to flower and fruit. But from the union of these colonies, Puritans and Cavaliers,—from the straightening of their purposes and the crossing of their blood, slow perfecting through a century,—came he who stands as the first typical American, the first who comprehended within himself all the strength and gentleness, all the majesty and grace of this republic—Abraham Lincoln.

He was the sum of Puritan and Cavalier, for in his ardent nature were fused the virtues of both and in the depths of his great soul the faults of both were lost. He was greater than Puritan, greater than Cavalier, in that he was American, and that in his honest form were first gathered the vast and thrilling forces of his ideal government—charging it with such tremendous meaning and so elevating it above human suffering that martyrdom, though infamously aimed, came as a fitting crown to a life consecrated from the cradle to human liberty. Let us, each cherishing the traditions and honoring his fathers, build with reverend hands to the type of this simple but sublime life, in which all types are honored; and in our common glory as Americans there will be plenty and to spare for your forefathers and for mine.

In speaking to the toast with which you have honored me, I accept the term, "The New South," as in no sense disparaging to the Old. Dear to me, sir, is the home of my childhood and the traditions of my people. I would not, if I could, dim the glory they won in peace and war, or by word or deed take aught from the splendor and grace of their civilization—never equalled and perhaps never to be equalled in its chivalric strength and grace. There is a New South, not through protest against the Old, but because of new conditions, new adjustments, and, if you please, new ideas and aspirations. It is to this that I address myself, and to the consideration of which I hasten lest it become the Old South before I get to it. . . .

Dr. Talmage has drawn for you, with a master's hand, the picture of your returning armies. He has told you how, in the pomp and circumstance of war, they came back to you, marching with proud and victorious tread, reading their glory in a nation's eyes! Will you bear with me while I tell you of another army that sought its home at the close of the late war; an army that marched home in defeat and not in victory; in pathos and not in splendor; but in glory that equalled yours, and to hearts as loving as ever welcomed heroes home? Let me picture to you the footsore Con-

federate soldier as, buttoning up in his faded gray jacket the parole which was to bear testimony to his children of his fidelity and faith, he turned his face southward from Appomattox in April, 1865.

Think of him as—ragged, half-starved, heavy-hearted, enfeebled by want and wounds, having fought to exhaustion—he surrenders his gun, wrings the hands of his comrades in silence, and lifting his tear-stained and pallid face for the last time to the graves that dot old Virginia hills, pulls his gray cap over his brow and begins the slow and painful journey. What does he find—let me ask you who went to your homes eager to find, in the welcome you had justly earned, full payment for four years' sacrifice—what does he find when, having followed the battle-stained cross against overwhelming odds, dreading death not half so much as surrender, he reaches the home he left so prosperous and beautiful?

He finds his house in ruins, his farm devastated, his slaves free, his stock killed, his barns empty, his trade destroyed, his money worthless, his social system, feudal in its magnificence, swept away; his people without law or legal status, his comrades slain, and the burdens of others heavy on his shoulders. Crushed by defeat, his very traditions are gone. Without money, credit, employment, material, or training; and besides all this confronted with the gravest problem that ever met human intelligence—the establishing of a status for the vast body of his liberated slaves.

What does he do—this hero in gray with a heart of gold? Does he sit down in sullenness and despair? Not for a day. Surely God, who had stripped him of his prosperity, inspired him in his adversity. As ruin was never before so overwhelming, never was restoration swifter. The soldier stepped from the trenches into the furrow; horses that had charged Federal guns marched before the plow, and fields that ran red with human blood in April were green with the harvest in June; women reared in luxury cut up their dresses and made breeches for their husbands, and with a patience

and heroism that fit women always as a garment gave their hands to work. There was little bitterness in all this. Cheerfulness and frankness prevailed. "Bill Arp" struck the key-note when he said: "Well, I killed as many of them as they did of me, and now I'm going to work." Or the soldier returning home after defeat and roasting some corn on the roadside, who made the remark to his comrades: "You may leave the South if you want to, but I'm going to Sandersville, kiss my wife, and raise a crop, and if the Yankees fool with me any more I'll whip 'em again."

I want to say to General Sherman,—who is considered an able man in our parts, though some people think he is a kind of careless man about fire,—that from the ashes he left us in 1864 we have raised a brave and beautiful city; that somehow or other we have caught the sunshine in the bricks and mortar of our homes, and have builded therein not one ignoble prejudice or memory.

But what is the sum of our work? We have found out that in the summing up the free negro counts more than he did as a slave. We have planted the schoolhouse on the hill-top and made it free to white and black. We have sowed towns and cities in the place of theories, and put business above politics. We have challenged your spinners in Massachusetts and your iron-makers in Pennsylvania. We have learned that the $400,000,000 annually received from our cotton crop will make us rich when the supplies that make it are home-raised. We have reduced the commercial rate of interest from twenty-four to six per cent, and are floating four per cent bonds.

We have learned that one Northern immigrant is worth fifty foreigners; and have smoothed the path to southward, wiped out the place where Mason and Dixon's line used to be, and hung out our latch-string to you and yours. We have reached the point that marks perfect harmony in every household, when the husband confesses that the pies which his wife cooks are as good as those his mother used to bake; and we admit that the sun shines as brightly and the moon

as softly as it did before the war. We have established thrift in city and country. We have fallen in love with our work. We have restored comfort to homes from which culture and elegance never departed. We have let economy take root and spread among us as rank as the crabgrass which sprung from Sherman's cavalry camps, until we are ready to lay odds on the Georgia Yankee—as he manufactures relics of the battlefield in a one-story shanty and squeezes pure olive oil out of his cottonseed—against any Down-Easter that ever swapped wooden nutmegs for flannel sausage in the valleys of Vermont. Above all, we know that we have achieved in these "piping times of peace" a fuller independence for the South than that which our fathers sought to win in the forum by their eloquence, or compel in the field by their swords.

It is a rare privilege, sir, to have had part, however humble, in this work. Never was nobler duty confided to human hands than the uplifting and upbuilding of the prostrate and bleeding South—misguided, perhaps, but beautiful in her suffering, and honest, brave, and generous always. In the record of her social, industrial, and political illustrations we await with confidence the verdict of the world.

But what of the negro? Have we solved the problem he presents or progressed in honor and equity toward solution? Let the record speak to the point. No section shows a more prosperous laboring population than the negroes of the South, none in fuller sympathy with the employing and landowning class. He shares our school fund, has the fullest protection of our laws and the friendship of our people. Self-interest as well as honor demand that he should have this. Our future, our very existence, depend upon working out this problem in full and exact justice.

We understand that when Lincoln signed the Emancipation Proclamation, your victory was assured, for he then committed you to the cause of human liberty, against which the arms of man can not prevail; while those of our statesmen who trusted to make slavery the "corner-stone" of the

Confederacy, doomed us to defeat as far as they could, committing us to a cause that reason could not defend or the sword maintain in sight of advancing civilization.

Had Mr. Toombs said (which he did not say) "that he would call the roll of his slaves at the foot of Bunker Hill," he would have been foolish, for he might have known that whenever slavery became entangled in war it must perish, and that the chattel in human flesh ended forever in New England when your fathers—not to be blamed for parting with what didn't pay—sold their slaves to our fathers—not to be praised for knowing a paying thing when they saw it.

The relations of the Southern people with the negro are close and cordial. We remember with what fidelity for four years he guarded our defenseless women and children, whose husbands and fathers were fighting against his freedom. To his eternal credit be it said that whenever he struck a blow for his own liberty he fought in open battle, and when at last he raised his black and humble hands that the shackles might be struck off, those hands were innocent of wrong against his helpless charges, and worthy to be taken in loving grasp by every man who honors loyalty and devotion.

Ruffians have maltreated him, rascals have misled him, philanthropists established a bank for him, but the South, with the North, protests against injustice to this simple and sincere people. To liberty and enfranchisement is as far as law can carry the negro. The rest must be left to conscience and common sense. It must be left to those among whom his lot is cast, with whom he is indissolubly connected, and whose prosperity depends upon their possessing his intelligent sympathy and confidence. Faith has been kept with him, in spite of calumnious assertions to the contrary by those who assume to speak for us, or by frank opponents. Faith will be kept with him in the future, if the South holds her reason and integrity.

But have we kept faith with you? In the fullest sense, yes. When Lee surrendered—I don't say when Johnston

surrendered, because I understand he still alludes to the time when he met General Sherman last as the time when he determined to abandon any further prosecution of the struggle; when Lee surrendered, I say, and Johnston *quit*, the South became, and has since been, loyal to this Union.

We fought hard enough to know that we were whipped, and in perfect frankness accept as final the arbitrament of the sword to which we had appealed. The South found her jewel in the toad's head of defeat. The shackles that had held her in narrow limitations fell forever when the shackles of the negro slave were broken. Under the old régime the negroes were slaves to the South; the South was a slave to the system. The old plantation, with its simple police regulations and feudal habit, was the only type possible under slavery. Thus was gathered in the hands of a splendid and chivalric oligarchy the substance that should have been diffused among the people,—as the rich blood, under certain artificial conditions, is gathered at the heart, filling that with affluent rapture, but leaving the body chill and colorless.

The Old South rested everything on slavery and agriculture, unconscious that these could neither give nor maintain healthy growth. The New South presents a perfect democracy, the oligarchs leading in the popular movement: a social system compact and closely knitted, less splendid on the surface, but stronger at the core; a hundred farms for every plantation, fifty homes for every palace; and a diversified industry that meets the complex need of this complex age.

The New South is enamored of her new work. Her soul is stirred with the breath of a new life. The light of a grander day is falling fair on her face. She is thrilling with the consciousness of growing power and prosperity. As she stands upright, full statured and equal among the people of the earth, breathing the keen air and looking out upon the expanded horizon, she understands that her emancipation came because through the inscrutable wisdom of God

her honest purpose was crossed, and her brave armies were beaten.

This is said in no spirit of time-serving or apology. The South has nothing for which to apologize. She believes that the late struggle between the States was war and not rebellion; revolution and not conspiracy; and that her convictions were as honest as yours. I should be unjust to the dauntless spirit of the South and to my own convictions if I did not make this plain in this presence. The South has nothing to take back. In my native town of Athens is a monument that crowns its central hill—a plain, white shaft. Deep cut into its shining side is a name dear to me above the names of men—that of a brave and simple man who died in a brave and simple faith. Not for all the glories of New England, from Plymouth Rock all the way, would I exchange the heritage he left me in his soldier's death. To the foot of that I shall send my children's children to reverence him who ennobled their name with his heroic blood. But, sir, speaking from the shadow of that memory which I honor as I do nothing else on earth, I say that the cause in which he suffered and for which he gave his life was adjudged by higher and fuller wisdom than his or mine; and I am glad that the omniscient God held the balance of battle in his Almighty hand, and that human slavery was swept forever from American soil—the American Union saved from the wreck of war.

This message, Mr. President, comes to you from consecrated ground. Every foot of soil about the city in which I live is as sacred as a battle-ground of the republic. Every hill that invests it is hallowed to you by the blood of your brothers who died for your victory, and doubly hallowed to us by the blood of those who died hopeless, but undaunted in defeat: sacred soil to all of us; rich with memories that make us purer and stronger and better; silent but staunch witnesses, in its red desolation, of the matchless valor of American hearts and the deathless glory of American arms; speaking an eloquent witness in its white peace and pros-

perity to the indissoluble union of American States and the imperishable brotherhood of the American people.

Now, what answer has New England to this message? Will she permit the prejudice of war to remain in the hearts of the conquerors when it has died in the hearts of the conquered? Will she transmit this prejudice to the next generation, that in their hearts—which never felt the generous ardor of conflict—it may perpetuate itself? Will she withhold, save in strained courtesy, the hand which straight from his soldier's heart Grant offered to Lee at Appomattox? Will she make the vision of a restored and happy people, which gathered above the couch of your dying captain—filling his heart with grace, touching his lips with praise, and glorifying his path to the grave—will she make this vision on which the last sigh of his expiring soul breathed a benediction, a cheat and delusion? If she does, the South, never abject in asking for comradeship, must accept with dignity its refusal; but if she does not refuse to accept in frankness and sincerity this message of good will and friendship, then will the prophecy of Webster, delivered in this very Society forty years ago amid tremendous applause, become true, be verified in its fullest sense, when he said: "Standing hand to hand and clasping hands, we should remain united as we have been for sixty years, citizens of the same country, members of the same government, united, all united now and united forever." There have been difficulties, contentions, and controversies, but I tell you that in my judgment—

> "Those apposed eyes,
> Which, like the meteors of a troubled heaven,
> All of one nature, of one substance bred,
> Did lately meet in th' intestine shock,
> Shall now, in mutual well-beseeming ranks,
> March all one way."

34. BOOKER T. WASHINGTON, of Alabama.—THE RACE PROBLEM

(Delivered at the opening of the Atlanta, Ga., Exposition, September 18, 1895.)

The abiding problem left by the Civil War is, the place to be filled by the negro in the life of the South. The Fifteenth amendment gave him the franchise, and for a time the support of Federal arms enabled him to exercise it. But the Ku Klux Klan terrorized him with its fantastic and mysterious outrages; and "by persuasion, fraud, or force" the negro after 1874 was practically deprived of his vote wherever it might, if cast, affect the result. And since 1890, in practically all the Southern States, this irregular and illegal disfranchisement of the blacks has been converted into a semblance of law by the adoption of new State constitutions.

To some extent the restriction of the franchise has been acquiesced in by the wisest leaders of the negro race. This is the attitude of Booker T. Washington, the eminent principal of Tuskeegee Institute, who seeks the salvation of the negro through industrial education, material betterment and moral elevation, and believes that "the general political agitation drew the attention of our people away from

Booker Taliaferro Washington. Born a slave in Virginia, about 1859; worked his way through Hampton Institute, Va., whence he was graduated in 1875; taught at Hampton Institute until selected by Alabama State authorities to be head of Tuskegee Normal and Industrial Institute, 1881; made honorary A. M. by Harvard University, 1896; LL.D. by Dartmouth College, 1901; author of "Up from Slavery," (1901) "Character Building," (1902), "Story of My Life and Work," (1903), etc.

the more fundamental matters of perfecting themselves in the industries at their doors and in securing property." At the same time he sees the unfairness and injustice to the negro of much that has been done. "More and more I am convinced," he writes in his autobiography entitled *Up from Slavery* (p. 86), "that the final solution of the political end of our race problem will be, for each State that finds it necessary to change the law bearing upon the franchise, to make the law apply with absolute honesty, and without opportunity for double dealing or evasion, to both races alike. Any other course, my daily observation in the South convinces me, will be unjust to the negro, unjust to the white man, and unfair to the rest of the States in the Union, and will be, like slavery, a sin that at some time we shall have to pay for."

The address which is here given sets forth Mr. Washington's characteristic ideas, and is the one which first brought him into national prominence. Of its immediate motive, Mr. Washington says: "The thing that was uppermost in my mind was the desire to say something that would cement the friendship of the races and bring about hearty co-operation between them." Its reception is indicated by the following telegram sent by the editor of the Atlanta *Constitution* to a New York paper: "I do not exaggerate when I say that Professor Booker T. Washington's address yesterday was one of the most notable speeches, both as to character and as to the warmth of its reception, ever delivered to a Southern audience. The address was a revelation. The whole speech is a platform upon which blacks and whites can stand with full justice to each other."

[Booker T. Washington, at the opening of the Atlanta (Ga.) Exposition, September 18, 1895.]

Mr. President, and Gentlemen of the Board of Directors, and Citizens: One-third of the population of the South is of the negro race. No enterprise seeking the material, civil, or moral welfare of this section can disregard this element of our population, and reach the highest success. I but convey to you, Mr. President and Directors, the sentiment of the masses of my race when I say, that in no way have the value and manhood of the American negro been more fittingly and generously recognized than by the managers of this magnificent Exposition, at every stage of its progress. It is a recognition that will do more to cement the friendship of the two races than any occurrence since the dawn of our freedom.

Not only this, but the opportunity here afforded will awaken among us a new era of industrial progress. Ignorant and inexperienced, it is not strange that in the first years of our new life we began at the top instead of at the bottom; that a seat in Congress or the State legislature was more sought than real estate or industrial skill; that the political convention or stump speaking had more attractions than starting a dairy farm or truck garden.

A ship lost at sea for many days suddenly sighted a friendly vessel. From the mast of the unfortunate vessel was seen a signal: "Water, water; we die of thirst!"

The answer from the friendly vessel at once came back: "Cast down your bucket where you are." A second time the signal, "Water, water; send us water!" ran up from the distressed vessel, and was answered: "Cast down your bucket where you are." And a third and fourth signal for water was answered: "Cast down your bucket where you are."

The captain of the distressed vessel, at last heeding the injunction, cast down his bucket, and it came up full of fresh sparkling water, from the mouth of the Amazon river. To those of my race who depend on bettering their condition

in a foreign land, or who underestimate the importance of cultivating friendly relations with the Southern white man, who is their next-door neighbor, I would say: "Cast down your bucket where you are,"—cast it down in making friends, in every manly way, of the people of all races by whom we are surrounded.

Cast it down in agriculture, mechanics, in commerce, in domestic service, and in the professions. And in this connection it is well to bear in mind that, whatever other sins the South may be called to bear, when it comes to business pure and simple, it is in the South that the negro is given a man's chance in the commercial world, and in nothing is this Exposition more eloquent than in emphasizing this chance.

Our greatest danger is that, in the great leap from slavery to freedom, we may overlook the fact that the masses of us are to live by the productions of our hands; and fail to keep in mind that we shall prosper in proportion as we learn to dignify and glorify common labor, and put brains and skill into the common occupations of life; shall prosper in proportion as we learn to draw the line between the superficial and the substantial, the ornamental gewgaws of life and the useful. No race can prosper till it learns that there is as much dignity in tilling a field as in writing a poem. It is at the bottom of life we must begin, and not at the top. Nor should we permit our grievances to overshadow our opportunities.

To those of the white race who look to the incoming of those of foreign birth and strange tongue and habits for the prosperity of the South, were I permitted I would repeat what I say to my own race, "Cast down your bucket where you are."

Cast it down among the eight million negroes whose habits you know, whose fidelity and love you have tested in days when to have proved treacherous meant the ruin of your firesides. Cast down your bucket among these people who have, —without strikes and labor wars,—tilled your fields, cleared

your forests, builded your railroads and cities, and brought forth treasures from the bowels of the earth, and helped make possible this magnificent representation of the progress of the South.

Casting down your bucket among my people, helping and encouraging them as you are doing on these grounds, and to education of head, hand, and heart, you will find that they will buy your surplus land, make blossom the waste places in your fields, and run your factories.

While doing this, you can be sure in the future, as in the past, that you and your families will be surrounded by the most patient, faithful, law-abiding, and unresentful people that the world has seen.

As we have proved our loyalty to you in the past,—in nursing your children, watching by the sick bed of your mothers and fathers, and often following them with tear-dimmed eyes to their graves,—so in the future, in our humble way, we shall stand by you with a devotion that no foreigner can approach, ready to lay down our lives if need be in defense of yours, interlacing our industrial, commercial, civil, and religious life with yours in a way that shall make the interests of both races one. In all things that are purely social we can be as separate as the fingers, yet one as the hand in all things essential to mutual progress.

There is no defense or security for any of us except in the highest intelligence and development of all. If anywhere there are efforts tending to curtail the fullest growth of the negro, let these efforts be turned into stimulating, encouraging, and making him the most useful and intelligent citizen. Effort or means so invested will pay a thousand per cent interest. These efforts will be twice blessed—"blessing him that gives and him that takes."

There is no escape through law of man or God from the inevitable:

> "The laws of changeless justice bind
> Oppressor with oppressed;
> And close as sin and suffering joined
> We march to fate abreast."

Nearly sixteen millions of hands will aid you in pulling the load upward, or they will pull against you the load downward. We shall constitute one-third and more of the ignorance and crime of the South, or one-third its intelligence and progress; we shall contribute one-third to the business and industrial prosperity of the South, or we shall prove a veritable body of death, stagnating, depressing, retarding every effort to advance the body politic.

Gentlemen of the Exposition, as we present to you our humble effort at an exhibition of our progress, you must not expect overmuch. Starting thirty years ago with ownership here and there in a few quilts and pumpkins and chickens, remember the path that has led from these to the inventions and production of agricultural implements, buggies, steam engines, newspapers, books, statuary, carving, paintings, the management of drug stores and banks, has not been trodden without contact with thorns and thistles. While we take pride in what we exhibit as a result of our independent efforts, we do not for a moment forget that our part in this exhibition would fall far short of your expectations but for the constant help that has come to our educational life, not only from the Southern States, but especially from Northern philanthropists, who have made their gifts a constant stream of blessing and encouragement.

The wisest among my race understand that the agitation of questions of social equality is the extremest folly, and that progress in the enjoyment of all the privileges that will come to us must be the result of severe and constant struggle rather than of artificial forcing. No race that has anything to contribute to the markets of the world is long in any degree ostracized. It is important and right that all privileges of the law be ours, but it is vastly more important that we be prepared for the exercise of these privileges. The opportunity to earn a dollar in a factory just now is worth infinitely more than the opportunity to spend a dollar in an opera house.

In conclusion, may I repeat that nothing in thirty years

has given us more hope and encouragement, and drawn us so near to you of the white race, as this opportunity offered by the Exposition; and here, bending as it were over the altar that represents the results of the struggles of your race and mine, both starting practically empty-handed three decades ago, I pledge that in your effort to work out the great and intricate problem which God has laid at the doors of the South you shall have at all times the patient, sympathetic help of my race: only let this be constantly in mind, that while from representations in these buildings of the product of field, of forest, of mine, of factory, letters, and art, much good will come; yet far above and beyond material benefits will be that higher good that (let us pray God) will come, in a blotting out of sectional differences and racial animosities and suspicions, in a determination to administer absolute justice, in a willing obedience among all classes to the mandates of law. This—this—coupled with our material prosperity, will bring into our beloved South a new heaven and a new earth.

Notes on Style and Structure

By Professor John M. Clapp

1. Otis: "The Writs of Assistance" (pp. 6–10);

2. Adams: "The Boston Massacre" (pp. 12–23). Neither of these speeches has been reported in full. Their chief characteristic is the same, namely: the detailed lawyer-like manner, proceeding step by step, with short, clear sentences, taking up the case a little at a time. Both show effort for persuasion: Otis in his rather excited personal introduction; Adams in his more dignified but equally earnest opening, his reference to the noble record of these very British soldiers at Quebec, his ingenious inquiry (p. 15) as to the probable attitude of the citizens if the situation were reversed, and his dignified, solemn close. The omissions here consist merely of citations of legal precedents, of which Adams introduces a great many, and the detailed examination of testimony, which is well represented by the passage given on pages 19–22.

3. Henry: "Liberty or Death" (pp. 26–29). How much of this is Henry's is impossible to say. Its exaggeration and rather turgid rhetoric are natural, of course, in a passionate man, greatly excited, speaking almost impromptu.

4. Dickinson: "Declaration of the Colonies on Taking Up Arms" (pp. 30–38). An example of a manner found in several of the series—the formal, rhetorical address, intended to be read aloud and to be published. The exaggeration of statement is more noticeable and less pardonable—as art—because of the evident deliberate care with which it was written.

5. Witherspoon: "The Necessity of Confederation" (pp. 41–46). This, though formally constructed, is unmistakably

a speech, intended for listeners. It shows the manner of the formally trained but effective pulpit orator. The language, though heavy, is expressive; the sentences are admirably turned, and would sound well (see pp. 43–44). His vigorous yet cautious views show him to be a man of sound practical sense.

6. Wilson: "On the Federal Constitution" (pp. 54–65). The rather formal manner (as compared with the livelier manner of a pamphlet version republished by the Historical Society of Pennsylvania, 1888) suggests that this speech was touched up by the author before publication. The speech shows, however, little excitement or energy; it is easy, rather picturesque conversation, remarkable chiefly for the comprehensive, tactful, reasonable treatment of the ideas.

7. Henry: "On the Federal Constitution" (pp. 67–87). This shows the same vehemence and liveliness of fancy as his "Liberty or Death," qualities less suitable here. He thinks vividly, but not clearly or reasonably. The omissions amount to about four pages altogether, but are not important, as the speech is incoherent and rambling at best. There is much exaggeration, approaching at times to misrepresentation (pp. 70, 74); he makes use of personalities; he changes the tone abruptly, from solemn to colloquial, etc.; he seems at one point to lose his head. (The omission on page 82 represents a passage which the reporter says he was unable to set down, in which "Mr. Henry enlarged pathetically on the probability of the President's enslaving America, and the horrid consequences that must ensue.") Yet, as the closing paragraph shows, he is not talking as a sly politician, but rather as a confused theorist, who is unable to see things in the right proportion.

8. Madison: "On the Federal Constitution" (pp. 89–102). This is just the opposite of Henry's speech. Madison, we are told, did not like to speak in public, and on this occasion talked for a while so quietly that he was indistinct. His manner here is that of easy but very clear

and flowing conversation. It is much like Wilson's, but has even less of emotional or imaginative color. He says what he means plainly, but as if merely stating his views, not trying to make the audience accept them. Now and then, however, as at the top of page 91, his cool precision must have made Henry's heroics seem foolish.

9. Hamilton: "On the Federal Constitution" (pp. 104–113). Hamilton's achievement in the New York convention, winning over a hostile majority by sheer force of argument, was extraordinary. This speech, of which little of importance is omitted, is one of the best in the book. Notice especially the clearness of his perceptions and the precise vigor of his statement. The style is graphic and good for speaking: the words suggestive, and the sentences crisp. He is not regardless of his hearers' State prejudices; he speaks tactfully, though positively; but the speech is remarkable most of all for the breadth of view; he considers many factors in the problem, and is large-minded.

10. Ames: "The British Treaty" (pp. 129–149). One of the best of American speeches, deserving careful study for the strategy, the masterful combination of argument and persuasion. The vivacious manner, with its short, crackling sentences, must have been particularly striking from a man in such frail health. There is much use, in portions, of the categorical legal manner of Otis and Adams. The argumentative structure in general is very careful. He shows deft handling of rebuttal, and keeps to strong ground in his reasoning that the treaty can not, with honor or safety, be rejected; he does not debate whether the treaty is in itself good. He shows the wisdom of the serpent in using arguments of various grades; while emphasizing those of a higher nature, he shows that he can appeal also to lower motives; that he is not visionary. Toward the close, after vivid painting of Indian horrors, and dilating on the weakness of the country in case of war in such a cause, he closes with a glowing statement of the financial profit to the country

if, in obedience to honor and safety, the treaty is ratified, and with a skilful reference to his own physical weakness. The use, which seems deliberate throughout, of the condition of his own health, not to prove or win a point, but to stop the vigor of possible attacks, is notable.

11. WASHINGTON: "Farewell Address" (pp. 152–163). This is written discourse, not suitable for speaking. The heavy phrasing; the long, evenly moving sentences; the grave, deliberate manner, bear a curious resemblance to the manner of President Cleveland's writing and speeches.

12. JEFFERSON: "First Inaugural" (pp. 167–171). This also has the cool evenness of writing; it is much lighter in movement, though, than Washington's—more direct and nervous. It would not do for a speech, but it might be read aloud, as a proclamation, with good effect. We may notice throughout, especially on pages 167, 168, and at the close, the use of abstract general terms, characteristic of the French "logical" manner, which is very rare in American speeches.

13. RANDOLPH: "War with Great Britain" (pp. 175–190). This should be compared with Henry's "On the Federal Constitution" for exaggeration, exuberance of fancy, and vehemence. The speech shows an impatience of mind which, in its effort to get beyond conventionalities, sometimes itself "hits below the belt"—as on pages 180, 182, 186, 187—using personal insinuations and abuse, which a clearer head and better taste would have avoided. He seems a man of strong, undisciplined feelings, with inadequate judgment and power of expression.

14. PINKNEY: "The Missouri Question" (pp. 193–213). This is one of the greatest American speeches. As it took over three hours to deliver, much has had to be omitted here. The speech shows throughout the trained lawyer and diplomatist, in its keenness, skill in discrimination, dexterity and completeness of statement; and in its variety of manner, which is generally suave, but at need is capable of hard hitting. It should be compared with the aimless and ineffective storming of Randolph; this man

knows exactly what he wants, and because he is so polite and easy, most of the time, his blows count when he does hit hard, as on pages 199–200, 207–210.

15. WEBSTER: "Reply to Hayne" (pp. 217–241). This great speech has been so often analyzed that much comment is needless. See Lodge's *Daniel Webster*. A great deal of it, of course, has had to be omitted, but the omissions consist of the subordinate parts of the speech: the discussion of the minor matters growing out of the preceding debate, and some of the preparation for his later reasoning. The speech shows in most parts remarkable simplicity of language and sentence-form, and the argumentative form is simple in view of the range of matter treated. He uses at times the categorical legal manner of Adams and Otis. Throughout there is remarkable orderliness and careful preparation for his points (as in the short paragraph on page 234, in which there is first a preliminary statement of the point to be made; then, in four short sentences, an amplifying review of what has already been said of the matter; then a short question calling attention to the precise issue, and finally the statement itself). Notice also the warm, hearty manner with which he does now and then give way to his feelings, so different from Pinkney's suavity. Notice the persuasiveness of the conclusion, coming after this careful and often severe examination of evidence: his half-deprecating reference to himself and his earnest feeling on the subject is manifestly sincere; and the flight of fancy with which he closes, so fervid and beautiful that the hearers must have been carried away by it, is yet so true, when reconsidered coolly, that it wins additional faith in the speaker's wisdom. It is regrettable that lack of space forbids the inclusion here of the six pages of Webster's rejoinder, the same day, to Hayne's brief reply to the great speech—they are so firmly logical, following directly upon this outburst of feeling, that they enforce Webster's marvelous command of his marvelous power.

16. Calhoun: "Slavery a Positive Good" (pp. 249–257). In striking contrast to Webster, a contrast that is typical. None of Calhoun's speeches have the glow, or the elaborate fullness of Webster's; always, as here, he seems talking—much as did Madison—in conversational tones. There is plenty of will, of earnestness, however. Though the sentences are quiet, the language is intense; reading it aloud slowly, one feels the passionate conviction in these carefully chosen words.

17. Phillips: "Eulogy of Garrison" (pp. 261–266). This, though delivered in his old age, has some of the qualities of his controversial speeches. The power of such a manner over a crowd is apparent at once. The chief characteristics, perhaps, are the extremely staccato sentence structure, even more abrupt and bold than Macaulay's, and the vividness of conception; this man thinks in figures. There is an undeniable poetic quality throughout; it reminds one not so much of Henry and Randolph as of the speeches of Victor Hugo and Lamartine.

18. Clay: "The Compromise of 1850" (pp. 270–291). This stands, perhaps, next to the "Reply to Hayne" among American speeches. In some ways it is even more impressive—not in point of reasoning, of profundity of view, or of adequacy of form; but of earnestness, tenderness, real rightness of feeling. If possible, the entire speech should be read, to realize the masterly handling of so many phases of the complicated, dangerous subject. The outline is simple—he takes up the clauses of his resolutions, one by one, filling thus about fifty-seven pages of the size of this, and then closes with a review of the course of recent history and an appeal for loyalty to the Union. Clay is underestimated as an orator to-day; careful perusal of this long speech will increase one's respect for his skill. It is evident that he is used to talking to audiences. Although his words are not well chosen, and his sentences rambling and careless, there is throughout effectiveness and ease; we feel that he is talking directly to the men before him, following their every mood, dwelling on what he sees needs to be ex-

panded, resting them, now and then, with lighter passages (telling a good-humored story, in one of the omitted portions), leading the audience with him, until he feels, at last, that he has won them, and can stop. When we realize that his case was really a weak case, this speech, which produced a marked effect upon the public mind, was manifestly a great feat of persuasion.

19. SUMNER: "Crime Against Kansas" (pp. 294–308). This speech can not be ranked with Hamilton's, Ames's, Pinkney's, Webster's, or Clay's. In its entirety it would fill eighty-five pages of this book; it took nearly as long to deliver as the "Reply to Hayne;" but the impression it gives is of hasty and unsound thinking, and unnatural, unreasonable expression. The exaggeration, the vehemence, the ill-placed literary allusions, the frequent resort to unworthy personalities, recall (with a difference) Henry and Randolph. But their speeches were extempore, and the extravagance and bad taste may be to some extent condoned; this speech was deliberately prepared, bearing throughout, in its heaviness of language and of sentence structure, the characteristics of written style. As such, it is artistically unpardonable. It is a singular fact that Sumner, a man of unusually high personal culture, whose view was in many respects fundamentally right, should have been so overmastered by his passion—a passion which shocks the reader, as it did his hearers, without persuading.

20. DOUGLAS: "Debate at Ottawa" (pp. 311–321). The speech of Douglas is bad art also: not stilted, nor fanatical, like Sumner's; but shallow, and tricky. It comes nearest, of all the speeches in this book, to the ordinary "spellbinding" political misrepresentation. The omissions in the text are not important. The speech shows the easy, direct manner of the practiced debater—simple, sometimes ambiguous language, simple flowing sentences. Aside from this the most remarkable characteristic is the constant, adroit misrepresentation: of Lincoln's views and record and personality; of the situation in the country; of Douglas's own record. There is much shrewd-

ness, for example, in his sketch of Lincoln on pages 314–315. He has just emphasized the breadth, the national character of his own views; he now sketches Lincoln as a man of narrow experience and coarse and vulgar tastes —no sort of man to be sent to the United States Senate! Yet he does it in an offhand, jolly way, as if merely evidencing his close friendliness for Lincoln. From page 316 to the end he plays skilfully on two ideas: Lincoln, he says, represents the fanatical, disloyal Abolitionists; Douglas himself stands for the *status quo*, for the rights of the people, for the Constitution. Notice how in the last sentence he springs suddenly a new phase of his charge against Lincoln—a well-known device of shifty debaters. Douglas no doubt honestly believed much of what he said here, but his manner of presentation was throughout disingenuous and tricky.

21. Lincoln: "Debate at Ottawa" (pp. 323–341). A masterly speech, one of the most profoundly skilful pieces of political controversy in American history. A comparison of it with Madison's answer to Henry in the Virginia convention will help one to realize the power of the practiced public speaker. Madison works along through his own argument, with only an occasional thrust at Henry; Lincoln, who had, of course, a more dangerous antagonist than Madison had, is fighting all the time. He plays the game coolly, almost good-naturedly, but he pushes grimly toward his point, and when he does hit he hits hard. It seems like a first-rate chess expert playing with an inferior. He appreciates the shrewdness of Douglas's misrepresentation; he sees all his tricks. Some of them, as on page 338, he shows up with clear, relentless statement; some he ignores; some he laughs at by means of the story of the "horse chestnut," using the same genial joking manner that Douglas had used against him; much of the time he is jokingly satirical of Douglas's "conscientiousness." He ingeniously defers answering Douglas's questions; he takes the sting out of the attack upon his early personal coarseness of life by his dignified reply. Most notable is his moral earnest-

ness; almost every good-natured parry of Douglas's thrusts leads into an expression of deep seriousness.

22. SEWARD: "The Irrepressible Conflict" (pp. 343–357). This seems nearer the caliber and method of Douglas than of Lincoln; its combination of heroics and partisanship, as on page 350, mark the clever politician, not the thoughtful man. Its rhetoric seems forced, like Sumner's, its tone is patronizing, as is that of no other speech in this book. It is curiously cold, in spite of the extreme measures he urges, and the continual exaggeration.

23. DAVIS: "Withdrawing from the Union" (pp. 364–369). A formal statement, grave and dignified. But the point of view is curiously theoretical, unpractical; it suggests Jefferson's inaugural, with its reliance upon French "logic" rather than the usual American "sense."

24, 27, 28. LINCOLN: "Inaugurals" and "Gettysburg Address" (pp. 371–381; 416–420). It is profitable to compare these official formulations of principles and policy with the similar compositions in this book by Dickinson, Washington, Jefferson, Davis, and Johnson. The simple directness of the popular speaker which Loncoln showed in the Ottawa debate, is here refined into a severe nobility of manner hardly to be found elsewhere among American speakers or writers. One feels that these, as Lowell says of the great poets, are "fatally chosen words." One wonders, also, whether the making of such prose as this, so far as it depends on anything but innate genius, is not helped more by discipline in speaking than in writing.

25. STEPHENS: "The Confederate Constitution" (pp. 383–391). This speech seems not to have been reported in full. While somewhat rambling in outline, with touches of the politician's manner of asseveration and flattery (as at the close of page 391), it has clearness and crispness of statement, and a practical alertness of mind which are in sharp contrast to the manner of Jefferson Davis.

26. Beecher: "Liverpool Address" (pp. 396–413). This three-hour debate between Beecher and his audience is unlike anything else in the book. It repays study for his readiness and tact in seizing every chance for effective blows, but naturally there is little orderliness of structure. It should be remembered, in connection with this speech, that the "heckling" of public speakers by constant interruption, almost unknown in America, is common in English political meetings: Beecher's experience there was extreme, but not without precedent. The plainness, directness, diffuseness, vigor of spoken language show here in high degree.

29. Johnson: "Presidential Reconstruction" (pp. 423–433). The message fills twenty-nine pages of this size, only thirteen or so concerned with these matters. The omissions noted on page 424 represent about three pages altogether, giving further historical detail. This is the language of writing, not speech; thoughtful but quiet.

30. Stevens: "Radical Reconstruction" (pp. 436–442). The speech would fill altogether some thirteen pages. In its vehemence, exaggeration, use of personalities, blunt vigor of language, and bad taste, it recalls the speeches of Henry and Randolph. Perhaps a better comparison would be with that of Moloch in the second book of *Paradise Lost.* This man is too excited to consider persuasion; he is furiously asserting his own view.

31. Curtis: "Defense of President Johnson" (pp. 444–466). This speech would fill altogether some seventy-five pages. The business-like severity, almost bareness, is the chief characteristic of both style and arrangement. There is no verbal appeal, no flourish—even at the close, only a brief passage of grave, indignant sarcasm. The speech is well worth study in its entirety, as the masterful, restrained handling of an elaborate argument on a momentous issue. The outline of the argument, however, is simple.

32. Schurz: "Plea for Amnesty" (pp. 469–488). One of the finest speeches in the book, worthy of comparison even

with Webster. About two-thirds of it is here given. The elaborate argument is carefully worked out, passing smoothly from point to point. The style is crisp; the words simple and excellently chosen, the sentences trimly built. There is discriminating analysis of the various factors in the problem, sure control of his feelings, some humor, much frank praise of his opponents when he thinks them right. Though he sternly rebukes the politicians who are trying to make political capital out of the past, instead of facing the problems of the present, he shows a notable magnanimity of attitude and unfailing urbanity of manner.

33. GRADY: "The New South" (pp. 490–500). This is the only after-dinner speech in the collection. The occasion required him, of course, to talk easily, lightly, and with a good deal of ornament. The speech seems rather well-intentioned than profound; one feels, moreover, that he is instinctively making things as agreeable as he can for his audience. The rhetoric is rather florid, but the emotion is undoubtedly genuine, and the language has the glow and excitement of the born speaker.

34. WASHINGTON: "The Race Problem" (pp. 503–507) This man, like Lincoln, has true eloquence. One feels here the penetrating keenness of mind, and the nobility of language and presentation, surpassed only by Lincoln in this collection. There is the same modest acceptance of the requirements of the situation, which demanded a speech that should be quiet and short. The illustration around which the whole thing is built is simple but illuminating.

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